

**Cannabis Control and Licensing Act**  
**CANNABIS SEIZURE REPORT**  
**s. 106 Duty of Peace Officer to Report**  
**(Within 10 days of Seizure)**

Note that all dates must be in  
YYYY/MM/DD format.

Type of report  Seizure report to CSU Director (cannabis seized from a non-licensee)	
Name and address of organization responsible for the <b>seizure, finding or acquisition</b>  <div>RCMP</div>	Telephone No.
	Fax No.
	E-mail
Police File No.	Police Exhibit Report No.

**PLACE OF SEIZURE, FINDING OR ACQUISITION**

Civic number, street, city, province, and postal code or location

**DESCRIBE THE CANNABIS CONTROL & LICENSING ACT OFFENCE THAT RESULTED IN THE SEIZURE AND PROVIDE A BRIEF SUMMARY OF THE OFFENCE**

CANNABIS SUBSTANCE(S) SEIZED, FOUND OR ACQUIRED					
Date of seizure, finding or acquisition (YYYY/MM/DD)	Name and description of cannabis substances seized, found or otherwise acquired under the CCLA.		CCLA Section of Seizure (s. 101, 102 or 103)	Total quantity	Unit of measure
	1				Grams
	2				Grams
	3				Grams
	4				Grams
	5				Grams
	6				Grams
	7				Grams
	8				Grams

Name of officer reporting the seized, found or acquired cannabis substance(s). One or two names may be included.

----- Name and Badge No or Other Identifying No	----- Date Reporting (YYYY/MM/DD)	----- Name and Badge No or Other Identifying No	----- Date Reporting (YYYY/MM/DD)
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Please email completed form or questions to [CSU@gov.bc.ca](mailto:CSU@gov.bc.ca)



August 3, 2023

Ref: 548821

(To: All Chiefs of Police, CO RCMP, Stl'atl'imx Tribal Police Service, CFSEU and Transit Police)

Deputy Commissioner Brenda Butterworth-Carr, Commanding Officer, RCMP "E" Division  
Chief Constables of Independent Municipal Police Departments

Chief Officer, SCBCTA Police Services

Chief Officer, Stl'atl'imx Tribal Police Services

Acting Chief Officer Brian Gateley, CFSEU BC

Chairs, BC Police Boards

Dear Sirs and Madams:

**Re: Duty of Peace Officer to Report Seized Cannabis to Government**

As you are aware, the *Cannabis Control and Licensing Act* (CCLA) came into force on October 17, 2018. I am writing to provide direction with respect to Section 106(b) of the CCLA which requires Peace Officers to report cannabis seized under the CCLA to the Director of the Community Safety Unit (CSU) unless the director specifies otherwise:

**Duty of peace officer to report seized cannabis to government**

**106** Unless the general manager or director specifies otherwise, a peace officer who seizes cannabis under this Act must report the particulars of the seizure, in writing, as soon as practicable but no later than 10 days after the seizure, to

- (a) the general manager if the cannabis was seized from a licensee, and
- (b) the director if the cannabis was seized from a person who is not a licensee.

The attached interim reporting form has been developed for these purposes and is in fillable electronic portable document format (PDF). Reporting is only required for cannabis seized in excess of 30 grams or equivalent. Completed forms should be sent to the Community Safety Unit via email to [CSU@gov.bc.ca](mailto:CSU@gov.bc.ca) within 10 days of the cannabis seizure.

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Please note that while the form closely resembles the Health Canada HCSC 3515 Seizure and Disposition Form, it is not intended to replace it.

Questions related to the form or to the duty of Peace Officers to report seized cannabis can be made by email to the Community Safety Unit at [CSU@gov.bc.ca](mailto:CSU@gov.bc.ca).

Thank you for your attention to this matter.

Sincerely,

Jamie Lipp  
A/Executive Director  
Community Safety Unit

Page 004 of 114 to/à Page 006 of 114

Withheld pursuant to/removed as

s.13 ; s.14

Page 007 of 114 to/à Page 009 of 114

Withheld pursuant to/removed as

s.15



October 23, 2018  
Ref: 548821

Deputy Commissioner Brenda Butterworth-Carr, Commanding Officer, RCMP "E" Division  
Chief Constables of Independent Municipal Police Departments  
Chief Officer, SCBCTA Police Services  
Chief Officer, Stl'atl'imx Tribal Police Services  
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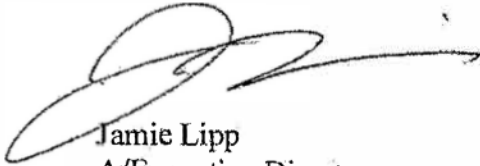
Page 2

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Thank you for your attention to this matter.

Sincerely,

A handwritten signature in black ink, appearing to read 'Jamie Lipp', with a long horizontal flourish extending to the right.

Jamie Lipp  
A/Executive Director  
Community Safety Unit

Enclosure

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s.13 ; s.14



Page 032 of 114 to/à Page 081 of 114

Withheld pursuant to/removed as

s.15 ; s.16

## Chapter ##: Guidelines for CSU Officers Acting Under the Authority of the Director

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### 1.01 Purpose and Authority

Section 23(3) of the *Interpretation Act* states:

Words in an enactment directing or empowering a public officer to do something, or otherwise applying to the public officer by his or her name of office, include a person acting for the public officer or appointed to act in the office and the deputy of the public officer.

The purpose of these Guidelines is to provide guidance from the Director to CSU Officers in performing actions under the authority of the Director.

### 1.02 Establishing justification to conduct an inspection at a premise

Section 89 of the *Cannabis Control and Licensing Act* (CCLA) provides the Director of the CSU with authority to conduct inspections of premises where there are reasonable grounds to believe that the sale, supply, production or storage of cannabis has occurred or is occurring and prescribes the activities which may be carried out during an inspection. The inspection can be for the sole purpose of education.

Section 88 of the CCLA states that the inspection powers do not apply in certain circumstances, including licensees or licensees' premises. The Director must have justification for conducting an inspection. Specifically, to conduct an inspection, the Director must have reasonable grounds to believe that the sale, supply, production, or storage of cannabis has occurred or is occurring at a premise which is not licensed under the CCLA.

The Director authorizes and expects CSU Officers to conduct an inspection at a premise in circumstances including where:

- the CSU has received a complaint from a member of the public, police of jurisdiction, or a government agency containing details about the unlicensed sale, supply, production, or storage of cannabis, at the premise, and the CSU Officer has reason to believe that the premise is unlicensed and operating; or

- a CSU Officer has observed the sale, supply, production, or storage of cannabis at an unlicensed premise and the CSU Officer has reason to believe that the premise is unlicensed and operating; or
- the CSU Officer has reason to believe that the sale, supply, production or storage of cannabis is occurring at an unlicensed premise and it is operating.

In the course of conducting a regulatory inspection, CSU Officers must not enter premises that are occupied as a residence unless an occupant of the premises gives consent to enter, or the Director has obtained a warrant under section 91 of the CCLA authorizing the entry.

### **1.03 Establishing justification to seize cannabis and remove records**

Under s. 89 (1)(g) of the CCLA, if the Director finds cannabis that, in the opinion of the Director, is possessed in contravention of the CCLA or the regulations, the Director may seize and remove the cannabis and the packages containing it. The Director, under s. 89(1)(a), may also inspect records and remove them for the purposes of inspection or making copies or extracts.

The Director must have justification for seizing and removing cannabis or records found during an inspection. Specifically, the Director must be of the opinion that the cannabis is possessed in contravention of the CCLA or the regulations.

Section 14 of the CCLA states:

#### **Possession**

- 14** A person must not possess cannabis unless one or more of the following apply:
- (a) the person is the government;
  - (b) the person is authorized to possess the cannabis under an agreement with the government entered into under the *Cannabis Distribution Act*;
  - (c) the person holds a licence, permit or authorization under the *Cannabis Act* (Canada) and the possession is in accordance with the licence, permit or authorization;

- (d) the person is a common carrier who is transporting the cannabis and the transportation is authorized under the *Cannabis Act* (Canada);
- (e) the person is a licensee whose licence authorizes the sale of cannabis and the cannabis was registered under the *Cannabis Distribution Act* and purchased by the licensee
  - i. from the government,
  - ii. in prescribed circumstances, or
  - iii. as authorized by the terms and conditions of the licence;
- (f) the person purchased the cannabis from the government or from a licensee at the licensee's establishment;
- (g) the person was given the cannabis that was purchased from the government or from a licensee at the licensee's establishment;
- (h) the cannabis was lawfully purchased from a location outside British Columbia, the cannabis has been brought into British Columbia and the amount of such cannabis in the person's possession is not more than the amount prescribed for the purposes of this paragraph;
- (i) the cannabis is a cannabis plant that is growing or has been grown in accordance with section 56 or was produced from such a plant;
- (j) the person or cannabis is prescribed.

Section 21.1 of the *Cannabis Licensing Regulation* sets out the prescribed circumstances as follows:

**Prescribed persons — possession**

**21.1** For the purposes of section 14 (j) of the Act, the following persons are prescribed:

- (a) a person who purchased cannabis from a licensee through an online system or by telephone if the transfer of personal possession of cannabis from the licensee to the person took place in the retail store of the licensee;

**Commented [KBP1]:** On June 2021, B.C. allowed cannabis delivery for retailers. Check if regulations get revised.

(b) a person who was given cannabis that was purchased as described in paragraph (a).

The Director authorizes and expects CSU Officers and/or Managers to seize and remove the cannabis and the packages containing it, where it appears that the cannabis is possessed in contravention of section 14 of the CCLA or the regulations. Before cannabis is seized, the CSU Officer must be satisfied of the following, in respect to the cannabis being seized:

- the person is not the government;
- the person or the business does not hold a provincial non-medical licence to sell cannabis;
- the person does not hold a federal permit to import or export cannabis or the possession is not in accordance with the permit;
- the person does not hold a federal licence to cultivate or process cannabis or the possession is not in accordance with the licence;
- the person does not hold a federal licence to sell cannabis for medical purposes or the possession is not in accordance with the licence
- the person does not hold a federal licence to sell cannabis for medical purposes or the possession is not in accordance with the licence;
- the person does not hold a federal medical authorization or the possession is not in accordance with the authorization (such as possessing more than the allowable amount set out in the authorization, or not storing the medical cannabis at the correct location)
- the person did not purchase the cannabis lawfully from the government, a licensee or a location outside of B.C.;
- the person was given cannabis that was not purchased lawfully from the government, a licensee or a location outside of B.C.; or
- the cannabis is a cannabis plant that has not been grown or in accordance with section 56 or has not been produced from such a plant.

## Chapter ##: Inspection for the Purposes of Enforcement Policy

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### **1.01 Purpose**

Section 89 of the *Cannabis Control and Licensing Act* (CCLA) provides the Director of the CSU with authority to conduct inspections of a premise where there are reasonable grounds to believe that the sale, supply, production or storage of cannabis has occurred or is occurring and prescribes the activities which may be carried out during an inspection.

Inspections for the purposes of enforcement will be used by CSU Officers to conduct enforcement activities where there is a contravention of the CCLA. In the case of unlicensed cannabis retail stores, the CSU will conduct inspections if they have failed to comply after receiving an inspection for the purposes of education.

The purpose of the inspection for the purposes of enforcement policy is to ensure that enforcement activities are conducted in accordance with the CCLA.

### **1.02 Critical Information Sharing**

Critical information obtained from the police or other sources must be shared with all CSU Officers involved in an enforcement action. The information can be regarding the premises or person(s) targeted for enforcement under section 89. The information must be shared during the briefing or planning before the inspection begins.

### **1.03 Operational Plan**

Director approval is required on operational plans for inspections which may result in seizure of cannabis and/or removal of records. The operational plan must meet the requirements outlined in section 1.02 of the General Inspection Policy.

### **1.04 Inspection Objectives**

CSU Officers will conduct regulatory inspections to determine compliance with the CCLA and regulations. To determine compliance CSU Officers can carry-out the following activities under section 89 of the CCLA:

- inspect records found in the premises and remove them for the purposes of inspection or making copies or extracts;

- require any person in the premises to produce identification for the purposes of inspection;
- inspect the premises and the operations carried on there;
- open receptacles or packages found in the premises;
- examine any substance or thing found in the premises, take a sample of any substance for the purposes of testing and analysis and remove any thing for inspection;
- inspect or ascertain the chemical or physical properties of a substance found in the premises;
- seize cannabis and the packages containing it if it is found to be possessed in contravention of CCLA or the regulations; and,
- make a record, including an audio or video record, of the premises or of any thing or person in the premises.

### **1.05 Scope of the power to seize items**

During an inspection under section 89 of the CCLA, CSU Officers have the authority to inspect the following:

I. Locked Receptacles (i.e. desks and safes)

If CSU Officers encounter a locked receptacle, they should ask the staff about its contents if it is unlabelled. If staff admit to its contents, or CSU Officers have reasonable grounds to believe that a locked receptacle may contain cannabis or evidence of the sale of cannabis, they should ask staff to open the receptacle. CSU officers may utilize services of a licensed Locksmith to open a locked receptacle if staff refused to open the receptacle.

II. Vehicles

If CSU Officers have reasonable grounds to believe that a vehicle located at or near the premise may contain cannabis or evidence of the sale of cannabis, they must notify a CSU Manager and await instructions on how to proceed.

III. Cell phones and computers

A record on a computer or cell phone may be inspected. If the record is not produced voluntarily then notify a Manager and await instructions on how to proceed. CSU Officers may take a photograph of a record that is plainly visible on a screen.

IV. Premises occupied as a residence

CSU Officers must not enter premises that are occupied as a residence for the purposes of an inspection unless the occupant provides consent. Where there is question or uncertainty about whether a premise might be considered a residence, consult with a Manager.

**1.06 Assistance from police of jurisdiction**

CSU officers will seek support from the police when carrying-out inspections involving the seizure of cannabis and/or removal of records. Police play an important role in keeping the peace and ensuring officer safety. CSU can receive information regarding illegal cannabis operations from the police, but CSU officers cannot take direction from the police. For instance, police cannot request that the CSU inspect a specific residence or receptacle if there is no reason to believe the sale, supply, production, or storage of cannabis has occurred or is occurring.

CSU officers can seek police assistance in conducting an inspection. The police will be requested to make a premises safe for all areas and rooms where CSU Officers will be conducting and inspection. Police will ensure the area is safe of persons, weapons, substances, or animals by conducting a security sweep of the premise upon entry. Once the area has been made safe, the police will monitor premise access points to prevent unauthorized entry during the duration of the inspection.

**1.07 Number of CSU Officers**

The lead CSU officer will determine the number of CSU officers required to conduct an inspection involving the seizure of cannabis and/or removal of records. The number of CSU officers must be approved by the CSU Manager and included in the operational plan.

**1.08 Entering a Premise with uncontrolled or controlled access**

A premise that is targeted for inspection may have controlled (closed to public) or uncontrolled (open to public) access. CSU Officers should follow the Section 89 Inspection Entry Procedures when entering a premise (See Appendix).



### **1.09 Identifying as CSU Officers**

CSU staff should be readily identifiable as CSU Officers upon entry or attempted entry into a premises by wearing identifiable CSU attire (e.g. CSU jacket). CSU Officers must also have photo identification and badge on hand to present upon request.

### **1.10 Issuing Violation Tickets**

CSU Officers will only issue violation tickets that can be written under the authority of the Director. CSU Officers should not issue violation tickets under the authority of a peace officer when conducting a regulatory inspection. Prior to issuing a violation ticket CSU Officers will consult their manager.

### **1.11 Public Notice of Seizure**

In accordance with section 107 of the CCLA, CSU may post a notice informing the public of the seizure. A CSU Officer will fill out a Public Notice of Seizure indicating the date of seizure, location of seizure and a notice removal date. The notice removal date will be 30 days from the date of seizure. CSU Officers will post this notice where it is visible to the public after completing the seizure. CSU Officers should make every effort to post the Notice on the inside of a window for public information to avoid removal, alteration, or destruction.

Section 107(2) specifies that a person must not remove, alter, destroy, or deface the Public Notice of Seizure. CSU Officers will inform the staff/manager of this requirement and that doing so would constitute a contravention of the CCLA.

### **1.12 Presumptive Testing**

Section 89(e) of the CCLA allows CSU Officers to take a sample of any substance for testing and analysis. Using a CSU-issued test kit, CSU Officers will conduct a presumptive test if it is not evident that a product contains cannabis. A presumptive test is sufficient for regulatory purposes.

CSU Officers do not need to test items if they already have reasonable grounds to believe that the product contains cannabis.

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s.15

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s.13 ; s.14

## Chapter ##: General Inspection Policy

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### 1.01 Purpose

The CSU conducts inspections to determine compliance with the *Cannabis Control and Licensing Act* (CCLA) and its associated regulations. CSU Officers will conduct inspections under section 89 of the CCLA which allows them to enter premises when there are reasonable grounds to believe that the sale, supply, production or storage of cannabis is or has occurred.

The purpose of the General Inspection Policy is to guide CSU Officers in practices applicable to all types of inspections.

### 1.02 Operational Plan

For each inspection, the lead CSU Officer will complete an operational plan which should include:

- a synopsis of pertinent intelligence;
- the inspection objective(s) and how the objectives will be achieved;
- the number of CSU Officers and each Officer's role;
- if there will be police support; and,
- Risk assessment

The operational plan must be approved by the appropriate manager before an inspection can be executed.

### 1.03 Communication and Engagement

Upon entering a premises, where there are reasonable grounds to believe that the sale, supply, production, or storage of cannabis has occurred or is occurring, the lead CSU officer will identify themselves using Branch-issued identification. The lead officer will speak with the owner, manager or most senior staff member on site, and communicate the CSU's key messages. The lead officer will also provide their contact information for subsequent communication.

#### **1.04 Documenting Inspections**

CSU officers will document details of an inspection including photographs of evidence of cannabis sales. These notes serve as a record of an inspection and may be used as evidence in future enforcement actions. CSU officer notes are to be entered into the Community Safety System (CSS) as soon as practicable following an inspection. See the Reporting Requirements policy and Field Notes policy for more information.

#### **1.05 Safety Protocols**

CSU officers have established protocols for ensuring their personal safety. For information regarding safety protocols, refer to the CSU Officer Safety Policy.

#### **1.06 Finding Money and Other Items of Significant Value**

Money or items of significant value may be found during an inspection for the purposes of education (i.e. education visit) or enforcement. If the money or items are found during an inspection for the purposes of enforcement (i.e. seizure), the money or items should be photographed, and the lead CSU officer and a CSU manager will be notified. The money or items will then be referred to the police of jurisdiction attending the inspection with the CSU team.

If CSU officers find money or items of significant value during an inspection for the purposes of education, they will notify the lead CSU Officer and a CSU Manager as soon as possible. The items will be recorded and returned to the management or staff of the premises. The purpose of recording evidence of money or items of significant value is to protect the CSU from accusations outside of section 108 liability.

To record the evidence, money or other items of significant value will be photographed and documented. CSU Officers will also advise the management or staff of the premises that the items have been documented as evidence (i.e. photographed).

If no person responsible for the premises (e.g. store owner) is present, or the security of the premises cannot be guaranteed after CSU's departure, the money or items of significant value should be referred to CSU management to determine next steps.

### **1.07 Finding Weapons or Evidence of a Potential Crime**

If CSU officers find a restricted or prohibited weapon not properly stored or any evidence of a potential crime, they must notify the police of jurisdiction and suspend the inspection. The police of jurisdiction will notify CSU when they can resume the inspection.

If CSU officers are conducting an inspection without the assistance of police (i.e. education visit), they will contact the police of jurisdiction and secure the item(s) until the police arrive. The items should be secured so that a person has no available access to the items (e.g. blocking the entrance). CSU officers should not handle or disable a firearm, or any other weapon found during an inspection.

If a weapon is properly stored, CSU officers should still inform the police of jurisdiction about the weapon after completing the inspection.

If CSU officers encounter an operational drug production laboratory, they should evacuate if there is a safety risk, and the team lead will immediately notify the CSU Manager and the police of jurisdiction.

### **1.08 Use of Force**

CSU Officers must not use force to gain compliance during an inspection. If a person is obstructing an inspection, CSU Officers should remove themselves from the premises and follow the protocols discussed in section 1.09 of this policy.

### **1.09 Dealing with Individuals Obstructing an Inspection**

If an individual is obstructing an inspection, then the CSU lead officer should advise the individual that they could face a regulatory charge for obstruction under section 90 of the CCLA. If the individual continues to obstruct the inspection, the lead CSU officer will consult with the CSU Manager to determine further action.

If the inspection is for the purposes of enforcement (i.e. seizure), the lead CSU officer will seek assistance from the police of jurisdiction to get compliance.

## Chapter ##: Inspection for the Purposes of Education Policy

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### 1.01 Purpose

Section 89 of the *Cannabis Control and Licensing Act* (CCLA) provides the Director of the CSU with authority to conduct inspections where there are reasonable grounds to believe that the sale, supply, production or storage of cannabis has occurred or is occurring and prescribes the activities which may be carried out during an inspection.

CSU inspections will be either for education or enforcement. Education inspections will be used by CSU Officers to gather intelligence and provide education on the legislative requirements of the CCLA associated with the sale, supply, storage, and production of cannabis in BC. This initial visit is an opportunity for the owner(s)/operators of illegal unlicensed cannabis retail stores to voluntarily comply with the CCLA and regulations. Should the owner(s) or operators fail to comply, the CSU may plan and execute progressive enforcement activities against the retail stores and/or the owner(s).

The purpose of the Inspection for the Purposes of Education Policy is to:

- describe the difference between an inspection for education and enforcement; and,
- to ensure inspections are conducted in accordance with the CCLA.

### 1.02 Education Inspection Objectives

During an education visit, CSU Officers will:

- confirm whether the retail store is illegally selling, supplying, storing, or producing cannabis;
- gather intelligence regarding the person(s) who own/operate the retail store;
- gather intelligence regarding the retail store and take photographs of the premises;
- provide guidance on the requirements of the CCLA;
- provide education on the consequences of contravening the CCLA, including monetary penalties and violation tickets;
- deliver information on the process for obtaining a license through the Liquor and Cannabis Regulation Branch;

- provide information on the authority of CSU Officers to conduct inspections (searches and seizures) under the CCLA;
- determine if the retail store has a future compliance plan; and,
- Provide CSU Educational Pamphlet and business card.

### **1.03 Operational Plan**

The Manager must sign off on an operational plan for an education inspection. The operational plan must meet the requirements outlined in section 1.02 of the General Inspection Policy.

### **1.04 Progressive Enforcement**

The CSU follows a progressive enforcement model, unless there is a public safety risk that requires a different approach. Inspection for the purposes of education will be the first action taken against an illegal unlicensed cannabis retailer. CSU Officers will not seize cannabis or related products during an education inspection. These inspections may be followed by enforcement actions that progressively increase in severity if the unlawful activity continues.

### **1.05 Number of CSU Officers**

A minimum of two CSU Officers are required for an education visit:

1. the lead Officer provides identification and communicates with the retail staff or owner/operator; collects the identification information of all employees present.
2. the second Officer takes photographs and records their observations in their notebook.

Any additional CSU officers will assist with the above tasks.

### **1.06 Issuing Violation Tickets**

CSU officers must only issue violation tickets that can be written under the authority of the Director. CSU officers will not issue violation tickets under the authority of a peace officer when conducting an inspection for the purposes of education (i.e. education visit). CSU officers should consult their manager before issuing a violation ticket under the CCLA.



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