



CACP Discussion Paper - Recommendations of the Task Force on Cannabis Legalization and Regulation February 8, 2017

Introduction:

The federal “Task Force on Cannabis Legalization and Regulation” submitted its report to the Government of Canada on November 30, 2016. As stated, “this report is a beginning, we all have a role to play in the implementation of this new, transformative public policy.”

Policing in Canada is one of the major sectors that will be impacted by legalization. Policing’s role from the beginning of this discussion was to look at the public safety impact and provide consultative advice to help mitigate the impact of such legislation towards “a legalized, regulated and restricted platform.”

The Canadian Association of Chiefs of Police (CACP) has participated widely in consultations on this issue and provided its own submission to the Task Force. In doing so, the CACP outlined concerns with regards to impaired driving, impact on organized crime, limiting youth access to marijuana and the fact that public education is critical and should begin immediately.

Additional Recommendations of the CACP:

- Begin with caution, allow all stakeholders (public, health, law enforcement, governments, regulators, etc.) to adjust, and allow the science to catch-up to support evidence-based decision-making.
- Hold off on ‘Home Grows’
- A primary concern of policing in Canada is drug-impaired driving. This is an issue today. It will become an even greater issue with legalization.
- **Drugs and Driving Don't Mix!** We must change current perceptions and attitudes towards drug-impaired driving.
- The CACP encourages governments to immediately focus on education, awareness and public safety. Start now!
- The CACP urges the federal/provincial/territorial governments to develop an enforcement regime that discourages drug impaired driving, enhances public safety and provides for efficient and effective enforcement.

- In the absence of science-based drug impairment measures, the CACP strongly recommends that governments increase investment in Drug Recognition Experts (DRE's) and associated officer training to improve law enforcement's ability to detect and remove drug-impaired drivers from our streets.
- Ensure DRE training is Canadian-based, reflecting Canadian policing models

CACP Key Areas of Support and Concern - Recommendations of the Task Force on Cannabis Legalization and Regulation

The CACP commends the work of the Task Force and supports the large majority of the 86 recommendations included. The following is a summary of key areas of support and concern.

Key Areas of Support:

- Public Education targeted at youth, parents and vulnerable populations and that this should commence immediately. In addition, strong support to a comprehensive public education strategy on drug impaired driving.
- Care must be taken to price and tax policy measures so as to avoid creating an environment that stimulates a black market
- Labeling towards clear identification of products and their content
- Use of revenue as source of funding towards research, prevention, education and enforcement
- The development of occupational and safety standards
- Recognizing the link between cannabis use and mental health and resultant increases in demands for policing services
- Strong regulation, licensing and production controls
- Clear, proportional and enforceable penalties that seek to limit criminal prosecution for less serious offences
- Maintaining criminal offences for illicit production, trafficking, possession for purposes of import/export and trafficking to youth
- Penalties for contraventions of licensing rules of production, distribution, and sale
- Support the limit of 30 grams for personal possession (which may be reviewed in the future). The CACP cautions the federal government to take a 'start small' approach with a willingness to re-evaluate in future.
- Re-examination of per se limits should a reliable correlation between THC levels and impairment be established
- We strongly support the development of an appropriate roadside drug screening device for detecting THC levels
- The need to invest in law enforcement capacity, including the training and investment of Drug Recognition Experts, Standardized Field Sobriety Test training and staffing. Additional capacity should include investment into Canadian-based training.

- The CACP favours the elimination of designated persons under the Access to Cannabis for Medical Purposes Regulations (ACMPR) given that there is too much potential to abuse/enforce and our position on personal cultivation.
- Ensuring capacity is developed prior to the start of the regulatory regime (including Law Enforcement). Policing in Canada anticipates there will be increased demand on law enforcement, especially in the early stages, to ensure compliance with the new regulations.

Key Areas of Concern:

Personal Cultivation:

- The CACP has long been against in-home production. This is not to say our opinion could not change therefore we would recommend that it be reviewed at a later date as we all gain experience with a legalized system.
 - Law enforcements ability to enforce personal cultivation is very limited and diversion to black markets remains a concern.
 - Creates much greater demand on law enforcement resources to enforce over-production and diversion.
 - First responders have long seen the negative effects of home production. It is in all of our interests to ensure a safe product, with known THC levels, free from pesticides, mold, etc.
 - Counter to the stated objective of ensuring a highly regulated and controlled system as put forward by the federal government.
 - Contrary to other measures to minimize child/youth exposure and access to cannabis products.
 - Electrical and fire hazards pose a risk to first responders and nearby dwellings.
 - More information is required ie, municipal regulations, insurance. Etc.

Cannabis Impaired Driving:

- Current perceptions and attitudes towards drug-impaired driving.
 - The Canadian Centre on Substance Abuse recently released a report entitled "Canadian Youth Perceptions on Cannabis." One of the findings: *"Youth from the 2016 groups said they never or rarely heard of crashes or arrests due only to cannabis. As a result, there appeared to be a lack of concern among youth about cannabis-impaired driving. It appears that youth are strongly against alcohol-impaired driving, but do not have the same feelings about cannabis-impaired driving."*
- Impaired driving remains the top criminal cause of death in Canada
 - According to Statistics Canada "Impaired Driving in Canada, 2015": *"In 2015, police reported 72,039 impaired driving incidents...Almost 3,000 drug-impaired driving incidents were reported, representing 4% of all impaired driving incidents."*

- We are very concerned that the prevalence of driving under the influence of drugs is not on Canadian's consciousness. While we do not have Canadian statistics, we note the following:
 - According to the 2014 U.S. National Survey on Drug Use and Health (NSDUH), 10 million people aged 12 or older reported driving under the influence of illicit drugs during the year prior to being surveyed.
- Recognize that drug impaired driving cases are resource intensive both from an enforcement and legal perspective
 - According to Statistics Canada "Impaired Driving in Canada, 2015: *"Drug-impaired driving incidents were less likely to be cleared by charge than alcohol-impaired driving incidents. When heard by the courts, these cases also took longer to resolve and were less likely to result in a guilty finding."*
- Lack of science / evidence based determinants of impairment
 - Evidence-based permissible limits are not defined and supported by science.
 - There is no evidence that "per se" limits adequately quantify impairment and therefore we are concerned with regards to potential challenges within our judicial system. We know with cannabis that people react differently to its effects. Per se limits must be research-based and the science must catch-up to strengthen their credibility
- Understanding the tools available to officers and the current state of readiness
 - When a police officer suspects that a person is impaired by alcohol and/or drugs, he or she will conduct a series of tests to determine if there are reasonable grounds to conduct further testing
 - Oral Fluid Drug Screening Devices – Currently in testing phase, these devices will be useful in detecting the presence of a drug. Legislative changes will need to be enacted before the devices can be approved for use in an enforcement capacity in Canada.
 - Standardized Field Sobriety Tests (SFST) – A roadside test administered by an officer to further qualify impairment
 - Drug Recognition Experts (DRE) - The evaluation of a suspected drug impaired driver is conducted by an evaluator who is trained and accredited by the International Association of Chiefs of Police, through the RCMP. The Drug Recognition Expert (DRE) uses a 12-step procedure in performing the evaluation.
 - Urine, oral fluid or blood tests - The mere presence of a drug in the sample does not constitute sufficient evidence to charge a person as being impaired by a drug. They are used to support the DRE's findings.
- The strongest evidence to determine impairment can only be provided through the evaluation of a highly trained and qualified Drug Recognition Expert (DRE)

- Field certification is only offered in the United States. High costs are incurred by police services to train DRE's and therefore the number of DRE's in Canada is not sufficient to provide proper coverage.
- The CACP strongly recommends that governments increase investment in Drug Recognition Experts (DRE's) and associated officer training to improve law enforcement's ability to detect and remove drug-impaired drivers from our streets.
- The CACP also recommends that training and accreditation take place here in Canada to reflect our own standards/models, reduce overall costs and ensure availability of training to our officers.

The Canadian Association of Chiefs of Police was established in 1905 and represents approximately 1,000 police leaders from across Canada. The Association is dedicated to the support and promotion of efficient law enforcement and to the protection and security of the people of Canada. Through its member police chiefs and other senior police executives, the CACP represents in excess of 90% of the police community in Canada which include federal, First Nations, provincial, regional and municipal, transportation and military police leaders.