



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

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## 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, 2017<sup>th</sup> 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, 2017<sup>th</sup> 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.