



---

# EPS Legalization of Cannabis Committee

Gerald Annetts

Executive Director – Legal and Regulatory Services  
Edmonton Police Service



- Edmonton Police Service is municipal police service employing 2600 people, including 1800 sworn officers.
- Edmonton has a population of just under 1 million



# Legalization of Marijuana What We Know

- It's coming on July 1, 2018
- Bill C-45 (The Cannabis Act) introduced on April 13, 2017.
- Three stated key objectives:
  1. To prevent young persons from accessing cannabis.
  2. To protect public health and safety through strict product safety and quality requirements



# Key Objectives

- 3. To deter criminal activity through the imposition of serious criminal penalties for those operating outside the legal framework.



# What We Know Controlled Access

- Adults, 18 years of age (or older) can purchase up to 30 grams at a time from a licenced retailer
- Can grow up to four plants per residence
- Can make cannabis-based products at home
- Promotion, packaging, and labelling appealing to young persons is prohibited



# What We Know Regulation

- Cannabis will be jointly regulated by the federal and provincial governments
- Federal government will regulate the industry
- Provinces will be responsible for licencing and overseeing the distribution and sale process.
- Municipalities will have a say in where and how



# What We Know Criminal Penalties

- Unlawful sale or distribution
- Possession over the legal limit
- Production above the legal limit
- Transporting across the borders of Canada
- Edible cannabis products not yet made legal



# What We Know Drug-Impaired Driving

- Bill C-46 – An Act to amend the driving offences of the Criminal Code.
- Part I amends the provisions dealing with offences and procedures relating to drug-impaired driving
  - New criminal offences for driving with a blood drug concentration higher than the permitted concentration
  - Authorizes the GIC to establish the blood drug concentrations





# What We Know

- Authorizes peace officers who suspect a driver has a drug in their body to demand the driver provide a sample of a bodily substance for analysis by screening equipment that is approved by the A.G. of Canada



# What We Know

- **Bill C-46**
  - Re-enacts and modernize driving offences and procedures
  - Authorizes mandatory roadside screening for alcohol



# What We Know

- Both bills may change from now between the time they are passed in the form of third reading
- As always, the finer details will be spelled out in the regulations which are now in the drafting stages
- With the provinces in control of distribution, sales, and consumption, that will vary across the country.



# Administrative Licence Suspensions

- Alberta has in place administrative driver's licence suspension legislation similar to B.C.
- On May 17<sup>th</sup>, the Alberta Court of Appeal ruled that the current legislation suspending the licences of those who have yet to be convicted of impaired driving offences violates their section 7 and 11 Charter rights



# Administrative Licence Suspensions

- Sahaluk v. Alberta (2017) ABCA 153
- The new legislation will have to be closer to what exists in B.C. where the right of appeal the administrative suspension to the Driver Appeal Board is mandated to occur within a set period of time.
- The suspensions apply to both drug and alcohol offences.



# EPS Preparations



# Research

- Committee started May 2016.
- Examined the Colorado and Washington State experiences with legalization.
- Monitored Federal Task Force recommendations on a legislative framework.
- Participated in Task Force roundtable discussions



# Preparation

- EPS is a police service. No ability to say what laws are passed, but responsible for enforcing them once they're passed.
- The ability to enforce laws requires the appropriate resources and the development of operational policy to guide our members in how it needs to be done.





# Preparation

- We are a municipal government agency, so the reality is that in order to obtain more resources, if they're required, we need to be able to convince the City of Edmonton that is the case.
- Also necessary to examine our operational policy to determine what needs to change to deal with legalization.



# Preparation

- Those two factors led us to the approach we are using to be ready for legalization next summer.
- Heavy reliance on our Audit, Compliance, and Risk Management unit



# First Steps

- Identified the necessary areas of our Service for membership on our Committee:
  - Traffic Services
  - Organized Crime
  - Employee and Organizational Wellness
  - Professional Development and Training
  - Community Policing Bureau
  - Exhibit Management Branch



# First Steps

Continued

- Finance
- Audit, Risk and Compliance Branch
- Corporate Communications
- Business Intelligence



# First Steps

- Identification of major areas of concern (issues) for EPS
  - Impaired driving (related to cannabis use)
  - Residential grow operations
  - Black market for marihuana
  - Diversion of legal marihuana
  - Safety of EPS employees
  - Training
  - Policy for use by EPS staff off-duty



# Identification of Risks

- Identify the risks in relation to each of the issues identified
  - Failure to establish effective data collection systems in preparation for the new challenges EPS will face with legalization.
  - Failure to properly secure and care for seized marihuana plants in investigations.
  - Failure to retrain or replace canines currently trained to alert on all drug scents while conducting drug searches.



# Continued

- Risks identified
  - Failure to revise and update policies, procedures, and training in a timely manner as they relate to the laws regulating marihuana
  - Failure to address the human resource implications of prospective or current employee usage of marihuana.



# Risk Frameworks

- How serious is the risk?
  - Likelihood of occurrence
  - Consequences if the risk materializes
- Which area of the organization owns the risk?
- What are the consequences if the risk is not adequately mitigated?
- What can be done to mitigate the risk?





# Risk Mitigation Action Plan

- Risk statement pre-implementation and post-implementation and risk consequence post-implementation
- Explanation as to how the action statement will mitigate the likelihood and consequences of occurrence.



# Risk Mitigation Action Plan

- Outline the resources required for successful implementation of the action statement
  - Human resources in FTEs
  - Time commitment for existing FTEs
  - Facilities
  - Tools and equipment
  - Information technology
  - Internal EPS cooperation



# Risk Mitigation Action Plan

- Resources required continued
  - External agency cooperation
  - Training requirements
  - Other resources



# Risk Mitigation Action Plan

- Tasks, milestones, and timing
- Performance measures



# Use of the Action Plans

- Each risk to be addressed in order of importance once rank ordered
  - Start from very high and go down the list
  - Go as far down the list as we can or as we deem necessary



# Use of the Action Plans

- Once each sub-committee and other areas of responsibility have their action plans developed, then preparations can begin.
- Action plans will be reviewed and correlated by Human Resources and Finance Divisions and a presentation to Chief's Committee made for the necessary resource realignment or additions.



# Use of the Action Plans

- Decision to be made by Chief's Committee and submissions made through the Edmonton Police Commission to City Council for the necessary budget allocations.
- Action plans that require no realignment or additional resources can be initiated immediately.



# What else are we doing?

- Continuous learning
- Representing EPS on committees/roundtable discussions whenever possible
  - The opportunity still exists to influence the incoming provincial and municipal legislation
- Creating internal human resource policy on use by employees





# What else are we doing?

- Organizational messaging will begin Fall 2017
- Training will begin late Fall 2017 and into 2018



- Questions?