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TO: Darlene Brander, Chairperson
Board of Police Commissioners

FROM: Troy Cooper
Office of the Chief

DATE: 2019 November 28

SUBJECT: Report on the Impact of Legalization of Cannabis After One Year

FILE #: 8,015

ISSUE:

This report will identify the impact of cannabis legalization since it was legalized in Canada on October 17, 2018. The report will focus on reported offences, the use of the investigative techniques to identify cannabis impaired driving, and budget expenses for investigations and training.

In summary, this report has identified that in the first year (October 17, 2018 to October 17, 2019) of cannabis legalization:

1. There have been 11 federal *Cannabis Act* charges since legalization.
2. There have been 187 charges under *The Cannabis Control (Saskatchewan) Act* since legalization.
3. There have been 41 *Criminal Code* driving occurrences where ‘drugs’ were listed as the intoxicant however only 8 of those had cannabis specifically identified as the intoxicant believed to be involved.
4. The number of non-criminal driving suspensions under *The Traffic Safety Act* has fluctuated over the last five years so no determination could be made if cannabis is a factor. These suspensions do not identify the intoxicant believed to be involved. The number of non-criminal suspensions is below the five year average.
5. *Cannabis Act* cannabis investigations have not had a significant impact on the SPS.
6. *The Cannabis Control (Saskatchewan) Act* investigations initially impacted SPS operations however the robust approach to investigating and charging the operator of a non-licensed cannabis outlet appears to have stopped their establishment in Saskatoon.
7. It is estimated that the cost to the Saskatoon Police Service for cannabis training in the first year of legalization was approximately \$138,849.51 (all costs including wages after cost recovery). However in the year prior to legalization the cost was estimated to be an additional \$115,291.49 (all costs including wages after cost recovery). It is important to

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note that these costs were able to be funded through existing budgets, however, did result in the reprioritization of other training programs. The majority of these costs represent soft costs, that is, the cost of the time members spent away from regular duties to attend this training.

RECOMMENDATION:

That this report be received for information.

STRATEGIC PRIORITY:

This report supports the Service’s goals in the 2015-2019 Business Plan in the following ways:

- Reducing crime and victimization by working to decrease traffic collisions through the active enforcement of impaired driving laws.
- Providing effective and efficient service by focusing on emerging trends and educating the public about those trends, enhancing our transparency as a policing organization.
- Developing our Human Resources by providing developmental opportunities for employees by taking advantage of online training programs and providing training which assists them in the detection of impaired driving offences.

DISCUSSION:

This report will provide information on:

- Statistical information on the Saskatoon Police Service (SPS) experience on the enforcement of the *Cannabis Act*.
- Statistical information on the SPS experience on the enforcement of *The Cannabis Control (Saskatchewan) Act*.
- Statistical information on the SPS regarding *Criminal Code/The Traffic Safety Act* impaired driving enforcement in relation to cannabis impairment.
- The financial impact on the SPS for enforcement related to cannabis investigations and training associated to cannabis investigations and cannabis related traffic enforcement investigations.

REPORTED OFFENCES RELATED TO CANNABIS:

The Legislation Applicable to Cannabis Legalization

The *Cannabis Act* is federal legislation which created a legal and regulatory framework for controlling the production, distribution, sale, and possession of cannabis in Canada.

The *Criminal Code* contains the legal framework defining offences involving impaired driving by cannabis consumption.

The Cannabis Control (Saskatchewan) Act contains the legal and regulatory framework to control the sale, possession, consumption, distribution and transportation of cannabis in Saskatchewan.

The Traffic Safety Act contains the legal framework defining provincial offences which involve driving while impaired by alcohol and/or drugs.

Cannabis Act

Cannabis Act offences are federal offences, similar in nature to the *Controlled Drug and Substances Act* cannabis offences which preceded it. The SPS Planning and Research Unit provided the statistics in Table 1 regarding the reported offences under the *Cannabis Act*.

Table 1

Cannabis Act Offences	Oct 17, 2018 - Oct 17, 2019
POSSESSION OF CANNABIS BY ORGANIZATION	1
POSSESSION OF CANNABIS FOR PURPOSE OF SALE	4
POSSESSION OVER 30G DRIED CANNABIS BY ADULT	2
POSSESSION CANNABIS FOR DISTRIBUTION	2
DISTRIBUTE CANNABIS TO YOUTH BY ADULT	1
UNAUTHORIZED SALE OF CANNABIS TO ADULT	1
Total	11

Investigations into *Cannabis Act* offences have generally been in association to other investigations. For example, the Guns and Gangs Unit was conducting an investigation into the criminal activity of a known street gang member. During that investigation the Guns and Gangs Unit seized 3.45kg of cannabis and 960g of cannabis ‘shatter’ concentrate. The SPS did not track the financial cost of this investigation as it was part of an operation with a larger scope.

The Cannabis Control (Saskatchewan) Act

The Cannabis Control (Saskatchewan) Act is provincial legislation similar in nature to *The Alcohol and Gaming Regulation Act, 1997*. There are provincial offences which are similar to the federal legislation. Police discretion is used when determining which legislation will be used. The Planning and Research Unit provided the statistics in Table 2 regarding reported offences under *The Cannabis Control (Saskatchewan) Act*.

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Table 2

Provincial Cannabis Offences	Oct 17, 2018 - Oct 17, 2019
MINOR PURCH CANNABIS DIRECTLY/INDIRECTLY	1
MINOR POSSESS CANNABIS	50
MINOR CONSUME CANNABIS	3
POSSESSION/CONSUME/DISTRIBUTE CANNABIS IN VEHICLE	55
DISTRIBUTE MORE THAN 30G CANNABIS TO PUBLIC	8
CONSUME CANNABIS IN A PUBLIC PLACE	31
CONSUME CANNABIS AT SCHOOL/GROUNDS	0
SELL/GIVE/DISTRIBUTE CANNABIS TO MINOR	1
POSSESS MORE THAN 30G CANNABIS IN PUBLIC	16
POSSESS CANNABIS KNOWN TO BE ILLICIT	18
DIRIRECTLY/INDIRECTLY SELL OR OFFER CANNABIS	4
Total	187

The Vice Unit has been tasked with cannabis investigations related to the unlicensed cannabis outlets. Since legalization the Vice Unit has developed a strong relationship with the Saskatchewan Liquor and Gaming Authority which is tasked with the licensing and supervision of licensed outlets.

The most significant investigation occurred in January and February 2019 in relation to one unlicensed cannabis outlet located in downtown Saskatoon. Approximately 305 hours were invested in this investigation, an estimated budget impact of \$17,491 for wages. This investigation was significant in that it was the first of its kind using *The Cannabis Control (Saskatchewan) Act*. Investigators spent hours in consultation with prosecutors on the development of investigative tools such as a format for the Warrant to Search. The Vice Unit worked closely with other units and agencies such as the SPS Drug Unit, SPS Exhibit Custodians, City of Saskatoon Bylaw Enforcement, Provincial Crown Prosecutions, and Saskatchewan Seizure of Criminal Property Program.

Cannabis Impaired Driving – Enforcement under the *Criminal Code* and *The Traffic Safety Act*

The following information was provided by the Planning and Research Unit.

Criminal Code Impaired Driving Offences

The Planning and Research Unit conducted an analysis of reported *Criminal Code* impaired driving offences between October 17, 2018 and October 17, 2019. The purpose of the analysis was to identify cannabis impaired driving offences. The following criminal offences were analyzed:

- Impaired Operation of a Motor Vehicle Low Drug Concentration
- Impaired Operation of a Motor Vehicle Causing Death ALC/DRUG
- Impaired Operation of a Motor Vehicle Causing Death DRUG

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- Impaired Operation of a Motor Vehicle Causing Bodily Harm ALC/DRUG
- Impaired Operation of a Motor Vehicle Causing Bodily Harm DRUG
- Impaired Operation of a Motor Vehicle ALC/DRUG
- Impaired Operation of a Motor Vehicle DRUG

Table 3

Impaired Driving Occurrences – October 17, 2018 – October 17, 2019	
Occurrence type (UCR)	Number of Occurrences
Imp Op of a MV CBH ALC	4
Imp Op of a MV ALC	247
Imp Op of a MV ALC/DRUG	34
Imp Op of a MV DRUG	7
TOTAL	292

An analysis by the Planning and Research Unit of the information in Table 3 was completed on the occurrences where drugs were listed as the intoxicant by the investigating officer. Of the 41 occurrences matching these occurrences, cannabis was mentioned as the drug either used or suspected of being used in 8 of the occurrences.

Enforcement of Impaired Driving under *The Traffic Safety Act*

Police officers may also use the authority to suspend a driver’s license using provisions in *The Traffic Safety Act*; these are non-criminal suspensions. The Planning and Research Unit conducted an analysis of suspensions under *The Traffic Safety Act* between October 17, 2018 and October 17, 2019. A comparison for a five year period was provided which shows the total number of suspensions, both criminal and traffic safety act compared to traffic safety act alone. The information provided in Table 4 shows an increase in non-criminal suspensions during the first year of cannabis legalization than the previous three years however is less than the 5 year average of 223 incidents.

Table 4

	Total # of Suspension occurrences	# of Suspension occurrences - non-Criminal Code
October 17/2014-October 17/2015	520	268
October 17/2015-October 17/2016	540	219
October 17/2016-October 17/2017	440	199
October 17/2017-October 17/2018	454	192
October 17/2018-October 17/2019	479	239
		5 year average 223.4 occurrences

Use of the Draeger 5000 Roadside Screening Device for Impaired Driving Enforcement

The Draeger 5000 Roadside Screening Device came into possession of the Saskatoon Police Service in January 2019 however it was not deployed until July 2019 as there were not any investigators trained on how to use it. The Saskatoon Police Service has one device which it has

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deployed at every sobriety checkpoint since July 2019. The device has been used during 12 investigations with the following results:

- On two investigations the device returned a negative result for both cocaine and cannabis. This means that although there was a suspicion that the drugs were recently consumed they were not detected in the person’s saliva.
- On nine investigations the test showed positive for THC, the active chemical in cannabis. On these investigations the driver was issued a roadside suspension under *The Traffic Safety Act*.
- On one investigation the test showed positive for THC and cocaine. The driver was arrested for impaired driving and examined by a Drug Recognition Expert.

This device was provided at no cost to the SPS by SGI.

PUBLIC OUTREACH

Prior to the legalization of cannabis the SPS Public Affairs Section utilized Twitter and Facebook to facilitate two opportunities to clarify and answer any questions from our community. The first opportunity had a focus on cannabis as it related to traffic safety. The second was intended to focus on the regulatory elements of cannabis legalization.

The questions were answered in real-time, or as quick as subject matter experts could provide Public Affairs staff with the answers. The Public Affairs Section responded to hundreds of comments, providing information to the public regarding legalization. The Public Affairs Section then compiled a list of the most commonly asked questions to create a document that people could be directed to long term. The final version of that document was published to Facebook Notes, Twitter and to the SPS website: <https://www.facebook.com/notes/saskatoon-police-service/cannabis-legalization-faqs/2155368154476049/>.

TRAINING EXPENSES

The SPS Finance Section provided a breakdown of the cost for training expenses related to cannabis offences and cannabis impaired driving investigations. I would like to acknowledge the Finance Section for the work that was conducted to provide accurate information for this report.

The SPS incurred significant training costs for these investigations dating back to 2016. The information provided is for all costs associated to training, including travel expenses and salaries. The SPS was able to recover costs associated to Drug Recognition Expert and Standard Field Sobriety Testing training over the same period however it was not 100% cost recovery.

A summary of significant items is:

2019 – The SPS incurred \$201,808.59 in total costs. \$62,959.08 was cost recovery, leaving a total impact to the SPS budget of \$138,849.51.

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2018 – The SPS incurred \$141,493.12 in total costs. \$106,204.98 of that amount was for salaries associated to mandatory CPKN On-Line *Cannabis Act* training. \$26,201.63 was cost recovery, leaving a total impact to the SPS budget of \$115,291.49.

2017 – The SPS incurred \$138,556.94 in total costs. \$24,921.26 was cost recovery, leaving a total impact to the SPS budget of \$113,635.68.

Total drug training costs (net of cost recovery), from 2017 to 2019 was \$367,776.68. It is important to note that these costs were funded through existing budgets and were accommodated through the reprioritization of current training initiatives. The majority of the costs represent soft costs, that is, time that members spent away from their regular duties attending training.

IMPLICATIONS

Budget

1. The SPS has incurred significant expenses to prepare its investigators for cannabis legalization.
2. It can be anticipated that there will be an ongoing necessity to continue training Drug Recognition Experts in the future due to staff turnover, changes in best practices, and court decisions.
3. Standard Field Sobriety Testing is now being taught at the Saskatchewan Police College as part of the Recruit Training Program. The need for this subject to be taught locally will diminish over time.
4. The CPKN *Cannabis Act* Training provided in 2018 did not include a component on Cannabis Edibles. The RCMP and CPKN have partnered to update the training program and will release it sometime in December 2019.
5. As new Roadside Screening Devices (the Draeger 5000) become available to policing they will require funding allocations. Cost recovery through SGI or other sources may be available in the future.

Operations

1. The SPS should be past the initial period of change associated to culture change, education in new cannabis legislation and implementing the legislation into operations, and training in new investigative techniques.
2. The next period will impact policing operations as court decisions are being rendered on roadside screening devices, the use of Drug Recognition Experts, and the application of Federal and Provincial legislation.

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3. With the legalization of cannabis edibles in October 2019 the enforcement of the Federal and Provincial legislation regarding possession and distribution has become more complicated. In order to assess if a person is in possession of 30 grams or less of cannabis an investigator will be required to determine the concentration of THC in the edible product. The investigator would then apply a formula to calculate the number of grams it is equivalent to. The CPKN online training program scheduled for release in December 2019 will provide police officers with the necessary skills to conduct investigations into cannabis offences, including cannabis edibles.
4. Currently the Vice Unit is tasked with cannabis investigations related to unlicensed outlets, the Drug Unit with investigations related to unauthorized distribution, importation or production offences, and Patrol with other cannabis offences and calls for service. The SPS is monitoring this distribution of responsibility, specifically to the Vice Unit as it places more focus on Organized Crime Human Trafficking investigations.

CONCLUSION:

The Saskatoon Police Service has invested considerable employee time and public budget in support of being prepared for cannabis legalization. This preparation allowed the Service to be responsive to the needs of the community through public education and having the appropriate resources ready in advance.

In preparation for legalization the Saskatoon Police Service looked to other jurisdictions which had gone through legalization to gain some insight into what would occur here. Since cannabis legalization on October 17, 2018 the Saskatoon Police Service has experienced fewer issues than were expected based on our research. This can be attributed to our preparation, using appropriate investigative approaches when required, public outreach, and the efforts of government to provide a safe transition to legalization.

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Troy Cooper
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Dated: December 3, 2019