



**HAMILTON POLICE SERVICE**

**TO SERVE AND PROTECT IN PARTNERSHIP WITH OUR COMMUNITIES**

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# Marihuana Dispensaries

Investigative Services Division

January 2018



# Controlled Drugs and Substances Act (CDSA) to Cannabis Act (Bill C45)

- Cannabis Marihuana is listed as a schedule two substance in the CDSA.
- Under the CDSA production, trafficking, possessing for the purpose of trafficking and possession of controlled substances is illegal and a criminal offence.
- The Cannabis Act when implemented will decriminalize the possession of cannabis marihuana, where 30 grams of cannabis marihuana can be legally purchased and possessed through provincial run facilities.



## Marihuana Dispensaries

- Over 46 known operating illegal marihuana dispensaries in the City of Hamilton.
- Stakeholders such as business entrepreneurs drug traffickers, including organized crime, have seen the opportunity to profit from the sale of marihuana despite the criminal nature of the business.



## Police Investigations

- Police must properly investigate the illegal activity of these dispensaries in order to hold the owners and/or responsible parties accountable for trafficking a controlled substance.



# Investigative Process

- Marihuana Dispensary identified.
- Investigator assigned.
- Investigative techniques used to develop reasonable grounds that an offence is occurring.
- Search Warrant preparation, review and authorization.
- Operational Planning.
- Search Warrant Execution.
- Evidence Collection and Processing.
- Court Brief Preparation.



# Investigative Issues/Limitations

- Storage of Evidence (Space /Duration)
- Costs of Processing Exhibits
- Time to properly process exhibits
- Health Canada not testing edibles for scheduled substances
- Court timeframes ( R. v. Jordan)



## Investigative Cost

- CDSA Investigation in December - search warrant
- Approx. 130 hours of staffing time invested in this one investigation.
- 51 Drug exhibits (most of items were placed in bulk sealed exhibit bags to reduce numbers of seized items down to 51) 10 samples were submitted to Health Canada.
- Seized items ranged from processed marijuana, edible based products, Hash oils, Shatter and Resin based THC products.



## Challenges

- Determining the owner responsible for each premise, as they are all identified as illegal businesses.
- Identifying people inside premise called “Volunteers” not employees. Owners will not identify or come forward to accept consequences.
- Investigations are time sensitive, thorough and require multiple members
- Large amounts of Marihuana and Marihuana based products are seized- Storage of items is required to be held until court dates.
- Premises often have the financial backing and product surplus available to them. They therefore re-open within up to 24hrs after warrant execution with a group of new people responsible for the operation.
- Court documents, paperwork, processing exhibits and court attendance.





## Multi-Agency Task Force?

- Supreme Court Of Canada
- R. v. Nolet
- Regulatory vs Criminal
- The lawful aim cannot be used as a pretext, or ruse to perpetuate the unlawful aim....it is a question whether a lawful purpose is being exploited to achieve an impermissible aim.
- A valid regulatory purpose, whether predominant or not, would not sanitize or excuse a *Charter* violation.



## Criminal Prosecution

- Public Prosecution Service of Canada (PPSC) has provided the following direction to Federal Crown Attorneys and Police Services.
  - Current operating Marihuana Dispensaries are illegal.