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Continued prosecution of pot offences 'massive waste of tax dollars'



 THE CANADIAN PRESS



OTTAWA — The federal plan to legalize recreational marijuana does not include the general amnesty for past pot convictions some would like to see, says Public Safety Minister Ralph Goodale.

Newly tabled legislation would allow people 18 and older to

publicly possess up to 30 grams of dried cannabis, or its equivalent in non-dried form.

But the Trudeau government is not considering a blanket pardon for people with criminal records for possessing small amounts of the drug, Goodale said in an interview.

``That's not an item that's on the agenda at the moment.''

The government has also made it clear that the move to legalization by mid-2018 doesn't mean lax law enforcement during the transition period.

“It is important to note that as the bill moves through the legislative process, existing laws prohibiting possession and use of cannabis remain in place, and they need to be respected,” Goodale told a news conference last Thursday.

``This must be an orderly transition. It is not a free-for-all.''

The NDP has called on the government to immediately decriminalize simple possession, calling it a logical first step that would prevent young people from being burdened with criminal records for the rest of their lives.

The C.D. Howe Institute, a prominent think-tank, has recommended the government consider pardoning people convicted of pot possession — and drop any outstanding charges — to free up much-needed resources for legalization.

Legalization could initially result in an increase in consumption and a need for more police monitoring and enforcement, prompting more government spending, the institute said last year.



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in a policy paper.

“This discussion suggests that dropping charges against individuals for illegal possession who have no other Criminal Code convictions or charges, would save considerable government resources without other significant offsetting adverse spillovers,” it said.

“Similarly, the federal government should consider pardoning individuals who have been convicted for illegal possession but have not been convicted or charged for any other Criminal Code offence.”

A pardon doesn't erase a criminal record. But it can make it easier for someone to find work, travel and generally contribute to society.

In an interview with AdvocateDaily.com, Toronto criminal lawyer [Jordana Goldlist](#) agrees with the findings of the institute's policy paper.

“I absolutely think there should be pardons,” she says. “Criminal records are unfortunately seen as a black mark on a person's worth, used to tarnish their credibility and reliability, and diminish their prospects for employment and travel. How can we allow marijuana, which will soon be legal to continue having this effect?”

Goldlist, principal of [JHG Criminal Law](#), says the fact the police are still arresting people and the Crown is prosecuting them is a “massive waste of tax dollars.”

“Any person accused of a marijuana offence should adjourn their matter and set trial dates past the date of legalization, making all of these arrests and court appearances completely useless,” she says. “The court system is already struggling to meet the demands set out in *R. v. Jordan*, so why is the government creating additional work by prosecuting people for plants that are on the cusp of being legal?”

Goodale noted there is already a formal process to have a criminal record set aside.

Those convicted of simple possession of up to 30 grams of marijuana are eligible to apply for a pardon, now known as a record suspension, five years after their sentence is completed.

The Liberal government is reviewing Conservative changes that made people wait longer and pay more to obtain a record suspension. Goodale said “there's no specific consideration” of difficulties in obtaining pardons for marijuana convictions.

“But the law does exist where people can make an application and have their case considered.”

An internal Public Safety Canada briefing note, released last year under the Access to Information Act, said the issue of record suspensions would be “important to consider during the marijuana legalization discussions.”

— *With files from AdvocateDaily.com*

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