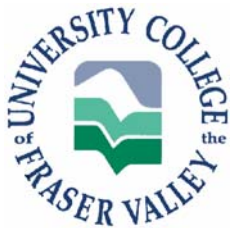


MARIHUANA GROWING OPERATIONS IN BRITISH COLUMBIA REVISITED

1997-2003

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by

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EXECUTIVE SUMMARY

This report contains the results of a comprehensive study of marihuana cultivation in British Columbia undertaken and completed in two parts. The first part, which covered the four-year period of 1997 – 2000 was completed in the summer and fall of 2001. The results from that time period were first reported in *Marihuana Growing Operations in British Columbia: An Empirical Survey (1997-2000)* by Plecas et al. (2002). The methodology of the second part of the project, covering the period from 2001 through 2003, remained unchanged. The second part of the project was conducted over the summer and fall of 2004. Overall, the project involved a review of all cases of alleged marijuana cultivation coming to the attention of the police from January 1, 1997 to December 31, 2003. In all, 25,014 cases from this seven-year period were reviewed. The main findings are summarised below.

First and foremost, the study re-confirms the main conclusion from the Plecas et al. (2002) study that British Columbia has a serious problem with marihuana growing operations. Although Statistics Canada has already published figures indicating that the rate of grow operations of 79 per 100,000 population in B.C. is nearly three times the national average of 27, this study

provides more detailed evidence that these operations are increasing in size and sophistication and continue to be dispersed throughout the province. Over the length of this project, a total of 15,436 founded cases were identified within 149 police jurisdictions across all regions of the province, although 10 specific jurisdictions accounted for slightly more than half (54%) of all of these instances. Generally, the number of individual incidents of marihuana grow operations increased by over 220% from 1997 to 2000, but appeared to level off over the period 2001 to 2003. However, the recent plateau in the number of incidents should not be taken as a signal that marihuana production in British Columbia has ceased to increase. On the contrary, from figures applied in the current study, the amount of marihuana produced each year in British Columbia is estimated to have increased from 19,729 kilos in 1997 to a seven year high of 79,817 in 2003.

Over the period studied, the evidence indicates that marihuana grow operations have become larger and increasingly sophisticated, involving more technological enhancements. For instance, the average number of plants seized in an indoor grow operation in 1997 was 149, but that average grew to 236 plants by 2003. Similarly, the

average number of kilograms of harvested marihuana seized per grow operation tripled from 2.4 kilos in 1997 to 7.2 kilos in 2003. Further, the average number of high intensity lights seized per operation grew steadily from 9 in 1997 to 16 in 2003. This increase in the size of operations has led to an associated increase in the average amount of electricity theft per incident. Approximately one in five founded grow operations involved theft of hydro, a pattern of theft that has remained relatively stable over the past seven years. Where the hydro theft could be determined, the average cost associated per operation was approximately \$2,880 in 1997 and \$3,740 in 2003. Overall, it is estimated that growers stole more than \$3,200,000 from BC Hydro in 2003 alone.

Aside from electricity by-passes, 15% of indoor grow operations contained at least one hazard (i.e. weapons, booby traps, explosives, chemical products, other drugs, and fire). The likelihood of a marihuana grow operation resulting in a fire was 24 times higher than it was for ordinary house fires. The hazards are of particular concern considering indications that children were present in 21% of indoor grow operations.

It is also important to note that the vast majority of cases coming to the attention of the police were as a result of public complaints, usually from anonymous complainants, landlords, neighbours, or, on occasion, from B.C. Hydro. Even those discovered by police were, in most cases, identified as a result of some unrelated police action, such as the serving of a warrant. In other words, the increase in marihuana cultivation

cases in B.C. is not due to increased proactive police enforcement. The dynamics involved in cases coming to the attention of the police did not change over the entire seven-year period studied.

In terms of a profile of known offenders, 77% of the 15,588 suspects involved were male, 69% were Caucasian, and the mean age was 35 years old. Further, most suspects had a prior criminal history. On average, suspects had a 13 year criminal history which included seven prior convictions across multiple jurisdictions. Evidence presented in the report suggests that many suspects relocated to B.C. from other parts of Canada, as well as from outside the country. In particular, especially in the areas with the greatest rate of increase in the number of marihuana grow operations, there has been a significant increase in the number of suspects of Vietnamese origin.

Analyzing the criminal justice system's response to marihuana cultivation offences in B.C. is fraught with difficulty. Cases are complex, varying widely in size, value, and whether or not other related criminal activities are involved. They often involve multiple suspects and multiple charges and result in a wide array of dispositions (and combinations of same) at the court stage. Of the 25,014 cases coming to the attention of the police, 16,675 were fully investigated. Of these, 14,483 proved to be founded. About half of these cases (54%) were dealt with informally (i.e. as "no case" seizures), with this being a particularly likely outcome in smaller operations (i.e., under 10 plants). There was a positive correlation between the size of the grow

operation, the severity of the penalty handed down in court, and, at the Crown decision-making stage of the process, there were significant numbers of stays of proceedings and plea bargains, both of which resulted in a considerable attrition of charges and suspects.

Overall, some 3008 of the founded cases led to at least one offender being convicted. More specifically, a total of 3364 offenders were convicted representing 52% of those charged and 22% of suspects initially associated with a founded operation. The majority of convictions, however, did not result in a custodial disposition. In fact, approximately 16% of offenders were sentenced to prison with an average sentence length of 4.9 months.

In the final analysis, the results of this study are more disconcerting than those presented through the Plecas et al. 2002 report. Indeed, as of 2003, the number of marihuana grow operations is still high and the overall estimated production associated to those incidents is four times higher in 2003 than in 1997. Despite this reality, and despite the fact that it has become increasingly apparent that grow operations pose a risk to public safety (especially through fire), the criminal justice system has become increasingly unable to respond. Specifically:

- prosecutors are less likely to accept charges recommended by police and less likely to move forward with charges; and
- judges are less likely to send an offender to prison for their participation in a grow operation, despite offenders becoming more prolific and more violent.

A recent announcement by the Premier of British Columbia (January 2005) to provide monies to law enforcement agencies to increase their capacity to respond to the risks posed by grow operations may assist in increasing the police's ability to respond. The relatively recent establishment of the R.C.M.P.'s Coordinated Marihuana Enforcement Team to direct a more strategic, intelligence driven approach to the problem also gives reason to be optimistic about a more effective law enforcement response in the future. However, the authors would expect that any enhancements to the law enforcement capacity will only translate into improved effectiveness where there is a corresponding improvement in the action taken at the prosecutorial and judicial level.

The main findings in the areas summarised above are described in detail in the report. The report includes a description of: incidents of marihuana grow operations coming to the attention of the police; the characteristics of marihuana growing operations; the suspects involved; the action taken by the police and the courts; and sentencing. Also included are the supporting data tables and other documentation.

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Chapter 1

INTRODUCTION

There is no question that the issue of marihuana grow operations in Canada deserves serious attention. In fact, Anne McLellan, Canada's Deputy Prime Minister and Minister of Public Safety and Emergency Preparedness, in addressing the first National Conference on Illegal Marihuana Grow Operations¹, described illicit marihuana growing operations as one of the most serious problems faced in communities across the country. At the same time, the Minister cited the need for governments, the criminal justice system, and communities in general to do more to combat the problem.

In British Columbia, the province of focus for this report, the problem of marihuana grow operations has been particularly serious. According to Statistics Canada, 70% of all drug offences in Canada in 2003 involved cannabis² and 14% of all cannabis offences were for cultivation, the largest volume of which took place in British Columbia³. As illustrated in Table 1.1, 39% of all marihuana cultivation incidents reported to Statistics Canada are in British Columbia. Moreover, the rate of cultivation incidents in British Columbia (79 per 100,000 population) is nearly three times the national rate (27 per 100,000 population) (again see Table 1.1).

¹ Held in Ottawa, Ontario on November 2nd and 3rd, 2004

² Cannabis includes both marihuana and hashish.

³ Canadian Centre for Justice Statistics (2004). *Canadian Crime Statistics 2003*. Ottawa: Statistics Canada, December 2004, Catalogue no. 85-205-XIE.

This report, which describes the nature and extent of grow operations in British Columbia and the criminal justice system response to those operations, highlights the seriousness of the issue. It will also highlight the need to strengthen the response to the problem.

TABLE 1.1: MARIHUANA CULTIVATION INCIDENTS BY PROVINCE, 2003

<i>Province</i>	<i>Frequency</i>	<i>Percentage of Total</i>	<i>Rate/ 100,000 population</i>
BC	3274	38.75 %	79
NB	342	4.19 %	46
PQ	2939	34.79 %	39
TERR	15	0.18 %	39
NS	328	3.88 %	35
PEI	35	0.41 %	25
SK	132	1.56%	13
MB	142	1.68 %	12
NFLD	44	0.52 %	8
ON	990	11.72 %	8
AB	208	2.48 %	7
CANADA	8449	100.00 %	27

Source: CCJS; Canadian Crime Statistics 2004 Catalogue No: 85-205-XIE

This study builds upon the 2002 research conducted by Plecas et al.⁴, where data on all marijuana grow operations coming to the attention of the police between 1997 to 2000 were collected and analyzed. The 2002 study indicated that there was a dramatic increase in the number and sophistication of marihuana growing operations. However, this increase in police awareness of marihuana growing operations was not primarily the result of proactive policing,

⁴ Plecas, D., Dandurand, Y., Chin, V., & Segger, T. (2002). *Marihuana Growing Operations in British Columbia: An Empirical Survey (1997-2000)*. Abbotsford: University College of the Fraser Valley.

but as a result of information received from anonymous or confidential sources, such as neighbours, friends, relatives, and other members of the community.

The present study was conducted by the Centre for Criminal Justice Research, an ICURS⁵ affiliate lab, at the University College of the Fraser Valley, in cooperation with the Drug Enforcement Branch, “E” Division, of the Royal Canadian Mounted Police. The study was funded by the R.C.M.P. and was based on the same methodology as the aforementioned Plecas et al. (2002) study. The present study includes all of the incidents of marihuana cultivation coming to the attention of the police for a seven year period, 1997-2003. As with the Plecas et al. (2002) study, this research was facilitated through the cooperation of every single police jurisdiction in the province. The data were collected during the summer of 2004 and analyzed the following fall.

The purpose of the present study is to identify the nature and extent of marihuana cultivation in British Columbia between 1997-2003. The report also reviews law enforcement and criminal justice responses to this issue. Specifically, the study was designed to: (1) describe the nature and extent of marihuana growing operations that came to the attention of the police in British Columbia during the seven-year period; and, (2) to describe the criminal justice system’s response to these cases.

Method

Following the methodology of the Plecas et al. 2002 study, the current study involved reviewing every existing police file from every law enforcement jurisdiction in the province for information on marihuana cultivation. Actual site visits to police offices to conduct the review of files were carried out by a team of nine researchers. Those site visits were secured by R.C.M.P. “E” Division officials for both R.C.M.P. detachments and all municipal police departments in the province.

This study used the same three data coding instruments used in the Plecas et al (2002) study, each of which can be found in the Appendices. *Appendix 1* contains the incident data coding sheet, *Appendix 2* presents the coding sheet used to collect information on each suspect,

⁵ The International Centre for Urban Research Studies is an international network of research facilities, with its core housed at Simon Fraser University.

while the criminal history coding sheet is presented in *Appendix 3*. The information coded included data about the suspect, the location of the growing operation, the nature and origin of the complaint, the police investigation, the size and type of the growing operation, the amount of marihuana seized, the presence of other drugs, the presence of various cultivation equipment, decisions made by the prosecution, and the sentencing outcome.

In addition to the information collected from the files, criminal histories were run on every suspect involved in the files based on their FPS number (fingerprint identification number). The information on the suspect's criminal record was coded and linked to the incident form using a unique identifier. After the data entry was completed and verified (i.e. "cleaned"), all identifiers were removed from the researcher's database. The primary database, an intelligence database including all suspect and incident identifiers, is held with R.C.M.P. "E" Division. The statistical analysis program, SPSS, was used to analyze the data.

It is important to briefly discuss the nature of police data and the information that can be gathered from grow operation case files. Police data rarely contain complete information for every variable of interest. For example, one of the variables of interest in this study is the number of children present at grow operations when the police were at the scene. Most detachments and departments do not consistently record this type of information for the file. However, when a systematic process is put into place, the numbers become far more reliable. For instance, Vancouver Police now record every instance that child protection attends a crime scene, thereby making the data for number of children present at grow operations more reliable. Due to the nature of police data, the authors believe that many of the numbers presented in this report, particularly surrounding the hazards of grow operations, are an underestimation.

Obtaining complete information on criminal histories is also a problem. In some cases, convicted offenders are not fingerprinted and, therefore, it is not always possible to confirm that a conviction exists. Further, there is a significant time lag between dates of conviction and the actual placement of that conviction on record. In the final analysis, the data presented in this report likely underestimates the reality of certain reported results.

Chapter 2

INCIDENTS OF ALLEGED MARIHUANA CULTIVATION COMING TO THE ATTENTION OF THE POLICE

The number of incidents of marihuana cultivation coming to the attention of the police from 1997 to 2000 steadily increased; however, from 2000 to 2003, there appears to be a leveling off of marihuana growing operations in British Columbia. There are a number of possible reasons for this occurrence. One possible explanation is that marihuana growing operations are becoming more difficult to detect, while another is the impact of international security initiatives as a result of the terrorist attacks in New York and Washington on September 11th, 2001. These initiatives may have made it more difficult to export marihuana across the Canada - United States border. Another explanation is that current initiatives (i.e. green teams, Growbusters, etc.) in the criminal justice system have made it more difficult for marihuana cultivation to occur in British Columbia. Still another explanation could be that individuals are not reporting suspected marihuana cultivation as often as they were prior to 2000. However, the data presented in this research on source of complaint to the police does not support this explanation. It has also been speculated that the plateau in the number of marihuana growing operations may be due to a saturation of the retail market. However, as will be described in Chapter 3, given estimated production has not leveled off but has continued to increase, the authors would not agree that the market has become saturated. Finally, given police are getting to fewer incidents coming to their attention, and hence dismantling fewer grow operations, there is less need for growers to set up new operations.

The current study also shows that while the number of cases in the Lower Mainland increased from 1997 through 2000, and decreased since then, the number of cases in more rural areas of British Columbia actually increased. The top ten police jurisdictions, in terms of the

number of marihuana grow operations, as found by the Plecas et al. (2002) study, continues to account for over half of all cases in British Columbia.

Suspected Cases of Marihuana Cultivation

A total of 25,014 incidents of alleged marihuana cultivation came to the attention of police in British Columbia between January 1997 and December 2003. As seen in Figure 2.1, the number of marihuana grow operation incidents increased each year from 1997 through 2001 and then remains relatively stable between 2000 and 2003. Despite the drop in incidents from 2000, the number of cases in 2003 was still more than three times that of 1997.

FIGURE 2.1: NUMBER OF MARIHUANA CULTIVATION INCIDENTS WHICH CAME TO THE ATTENTION OF POLICE AGENCIES IN BRITISH COLUMBIA BETWEEN JANUARY, 1 1997 AND DECEMBER 31, 2003

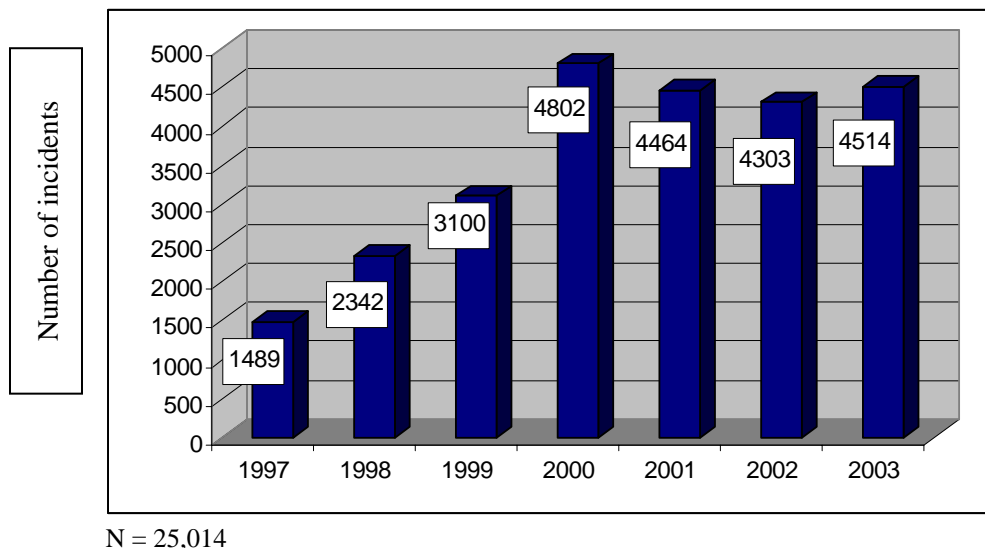


Table 2.1 illustrates the frequency of marihuana cultivation cases in each of the eight development regions of the province: Mainland/Southwest, Vancouver Island/Coast, Thompson/Okanagan, Cariboo, Kootenay, North Coast, Nechako, and the Northeast. Not surprisingly due to population size, the Lower Mainland and Vancouver Island account for the majority of the grow operations in the province (72%). However, there seems to be a shift away from the Lower Mainland toward Vancouver Island and more rural areas. This is not surprising as the authors predicted the shift away from the urban centres of the lower mainland is related to the demand for larger properties to increase production and minimize police and community detection.

TABLE 2.1: CASES THAT CAME TO THE ATTENTION OF POLICE IN BRITISH COLUMBIA BETWEEN JANUARY 1, 1997 AND DECEMBER 31, 2003 (BY DEVELOPMENT REGION AND REGIONAL DISTRICT)

<i>Development Region / Regional District*</i>	<i>1997</i>	<i>1998</i>	<i>1999</i>	<i>2000</i>	<i>2001</i>	<i>2002</i>	<i>2003</i>	<i>Increase since 1997</i>
Greater Vancouver	548	916	1299	2497	1787	1719	1929	252%
Fraser Valley	177	234	306	494	375	485	408	131%
Squamish-Lillooet	13	18	22	33	44	48	42	223%
Mainland/Southwest Overall	738	1168	1627	3024	2206	2252	2379	222%
Comox-Strathcona	84	131	173	212	224	211	198	136%
Sunshine Coast	20	59	52	50	78	47	49	145%
Mount Waddington	6	18	15	15	12	20	10	67%
Cowichan Valley	56	108	130	139	149	145	98	75%
Nanaimo	122	156	218	259	252	207	197	61%
Powell River	0	16	16	19	47	42	75	100%
Alberni-Clayoquot	21	21	25	35	50	63	70	233%
Capital	111	111	150	143	139	125	184	66%
Vancouver Is/ Coast Overall	420	620	779	872	951	860	881	110%
Northern Okanagan	30	53	50	91	126	99	95	217%
Thompson-Nicola	49	109	104	139	169	169	148	202%
Central Okanagan	40	63	90	96	322	281	260	550%
Okanagan-Similkameen	34	42	51	70	85	84	87	156%
Columbia-Shuswap	26	29	39	39	74	48	70	169%
Thompson/Okanagan Overall	179	296	334	435	776	681	660	269%
Fraser-Fort George	27	42	64	155	129	98	195	622%
Cariboo	25	57	50	92	54	42	34	36%
Cariboo Overall	52	99	114	247	183	140	229	340%
Central Kootenay	36	57	114	98	161	163	159	342%
East Kootenay	14	21	23	34	45	62	51	264%
Kootenay Boundary	13	43	52	26	39	45	49	277%
Kootenay Overall	63	121	189	158	245	270	259	311%
Kitimat-Stikine	10	13	12	28	42	18	46	360%
Central Coast	1	2	2	2	2	7	4	300%
Skeena-Qn. Charlotte	7	7	10	6	5	9	10	43%
North Coast Overall	18	22	24	36	49	34	60	233%
Bulkley-Nechako	14	8	13	21	28	29	22	57%
Stikine (region)	1	1	2	0	0	1	1	0%
Nechako Overall	15	9	15	21	28	30	23	53%
Peace River	4	6	12	7	26	36	23	475%
Northern Rockies	0	1	6	2	0	0	0	0%
Northeast Overall	4	7	18	9	26	36	23	475%
Province Overall	1489	2342	3100	4802	4464	4303	4514	203%

* Source of population statistics: Population Estimates 1996-2004, Ministry of Management Services, Government of British Columbia. Accessed January 5, 2005 from www.bcestats.gov.bc.ca/data/pop/pop/mun/Mun9604a.htm

In order to compare the regions and regional districts, Table 2.2 and Table 2.3 control for population by comparing the frequency of cases in 2003 to the population in each region. Figure

2.2 and Figure 2.3 compare the percentage variance from the provincial rate in each regional district in 2000 and 2003 in order to illustrate the changes in certain districts. As expected, the majority (53%) of marihuana cultivation cases in 2003 were in the Mainland/Southwest region.

TABLE 2.2: NUMBER AND RATE PER 1,000 POPULATION OF MARIHUANA CULTIVATION CASES KNOWN TO THE POLICE IN 2003 BY DEVELOPMENT REGION /REGIONAL DISTRICT. NUMBER OF CASES AS % OF THE NUMBER OF CASES IN BRITISH COLUMBIA

<i>Development Regions and Regional Districts</i>	<i>Population 2003*</i>	<i>Total no. of cases in 2003*</i>	<i>Rate per 1,000 population in 2003*</i>	<i>No. of cases in 2003 as a percentage of total no. of cases in BC</i>	<i>Percentage of the total provincial population</i>
Greater Vancouver	2,113,699	1929	.91	42.7	50.9%
Fraser Valley	253,986	408	1.61	9.0	6.1%
Squamish-Lillooet	35,761	42	1.17	0.9	0.9 %
Mainland/Southwest Overall	2,403,444	2379	0.98	52.6	57.9 %
Nanaimo	136,122	197	1.45	4.4	2.5 %
Comox-Strathcona	101,882	198	1.94	4.4	2.5 %
Capital	344,299	184	0.53	4.1	8.3 %
Cowichan Valley	76,457	98	1.28	2.2	1.8 %
Sunshine Coast	27,388	49	1.79	1.1	0.7 %
Alberni-Clayoquot	31,813	70	2.20	1.6	0.8 %
Powell River	20,708	75	3.62	1.7	0.5 %
Mount Waddington	13,502	10	.74	0.2	0.3 %
Vancouver Isl. /Coast Overall	752,171	881	1.17	19.7	18.1 %
Thompson-Nicola	125,746	148	1.18	3.3	3.0 %
Central Okanagan	160,491	260	1.62	5.8	3.9 %
Northern Okanagan	77,854	95	1.22	2.1	1.9 %
Okanagan-Similkameen	81,044	87	1.07	1.9	2.0 %
Columbia-Shuswap	51,234	70	1.37	1.6	1.2 %
Thompson/Okanagan Overall	496,369	660	1.33	14.7	12.0 %
Fraser-Fort George	100,523	195	1.94	4.3	2.4 %
Cariboo	68,502	34	0.49	0.8	1.6 %
Cariboo Overall	169,025	229	1.35	5.1	4.0 %
Central Kootenay	60,125	159	2.64	3.5	1.4 %
East Kootenay	60,060	51	0.85	1.1	1.4 %
Kootenay Boundary	33,213	49	1.48	1.1	0.8 %
Kootenay Overall	153,398	259	1.69	5.7	3.7 %
Kitimat-Stikine	42,479	46	1.08	1.0	1.0 %
Central Coast	3,896	4	1.03	0.1	0.1 %
Skeena-Queen Charlotte	22,281	10	0.45	0.2	0.5 %
North Coast Overall	68,656	60	0.87	1.3	1.7 %
Bulkley-Nechako	42,565	22	0.52	0.5	1.0 %
Stikine (region)	1,374	1	0.73	0.0	0%
Nechako Overall	43,939	23	0.52	0.5	1.1 %
Peace River	59,168	23	0.39	0.5	1.4 %
Northern Rockies	6,119	0	0.00	0.0	0.1 %
Northeast Overall	65,287	23	0.35	0.5	1.6 %
Province Overall	4,152,289	4514	1.09	100	100.0%

* Source of population statistics: Population Estimates 1996-2004, BC Stats, Ministry of Management Services, Government of British Columbia. Accessed January 5, 2005 from www.bcstats.gov.bc.ca/data/pop/mun/Mun9604a.htm

TABLE 2.3: MARIHUANA CULTIVATION CASES KNOWN TO THE POLICE IN 2003: RATES PER 1,000 POPULATION IN EACH DEVELOPMENT REGION AND REGIONAL DISTRICT OF BRITISH COLUMBIA AND LOCAL RATE VARIANCE FROM PROVINCIAL RATE

<i>Development Regions and Regional Districts</i>	<i>Rate per 1,000 population in 2003</i>	<i>Percentage variance from provincial rate of 1.09 per 1,000</i>
Greater Vancouver	0.91	-17
Fraser Valley	1.61	+48
Squamish-Lillooet	1.17	+7
Mainland/Southwest Overall	0.98	-10
Nanaimo	1.45	+33
Comox-Strathcona	1.94	+78
Capital	0.53	-51
Cowichan Valley	1.28	+17
Sunshine Coast	1.79	+64
Alberni-Clayoquot	2.20	+102
Powell River	3.62	+232
Mount Waddington	0.74	-32
Vancouver Island/Coast Overall	1.17	+7
Thompson-Nicola	1.18	+8
Central Okanagan	1.62	+49
Northern Okanagan	1.22	+12
Okanagan-Similkameen	1.07	-2
Columbia-Shuswap	1.37	+26
Thompson/Okanagan Overall	1.33	+22
Fraser-Fort George	1.94	+78
Cariboo	0.49	-55
Cariboo Overall	1.35	+24
Central Kootenay	2.64	+142
East Kootenay	0.85	-22
Kootenay Boundary	1.48	+36
Kootenay Overall	1.69	+55
Kitimat-Stikine	1.08	-1
Central Coast	1.03	-6
Skeena-Qn. Charlotte	0.45	-59
North Coast Overall	0.87	-20
Bulkley-Nechako	0.52	-52
Stikine (region)	0.73	-33
Nechako Overall	0.52	-52
Peace River	0.39	-64
Northern Rockies	0.00	-100
Northeast Overall	0.35	-68

* Source of population statistics: Population Estimates 1996-2004, BC Stats, Ministry of Management Services, Government of British Columbia. Accessed January 5, 2005 from www.bcstats.gov.bc.ca/data/pop/pop/mun/Mun9604a.htm

FIGURE 2.2: PERCENTAGE OF TOTAL CASES IN BRITISH COLUMBIA PER 1,000 POPULATION IN EACH DEVELOPMENT DISTRICT IN 2000 AND 2003

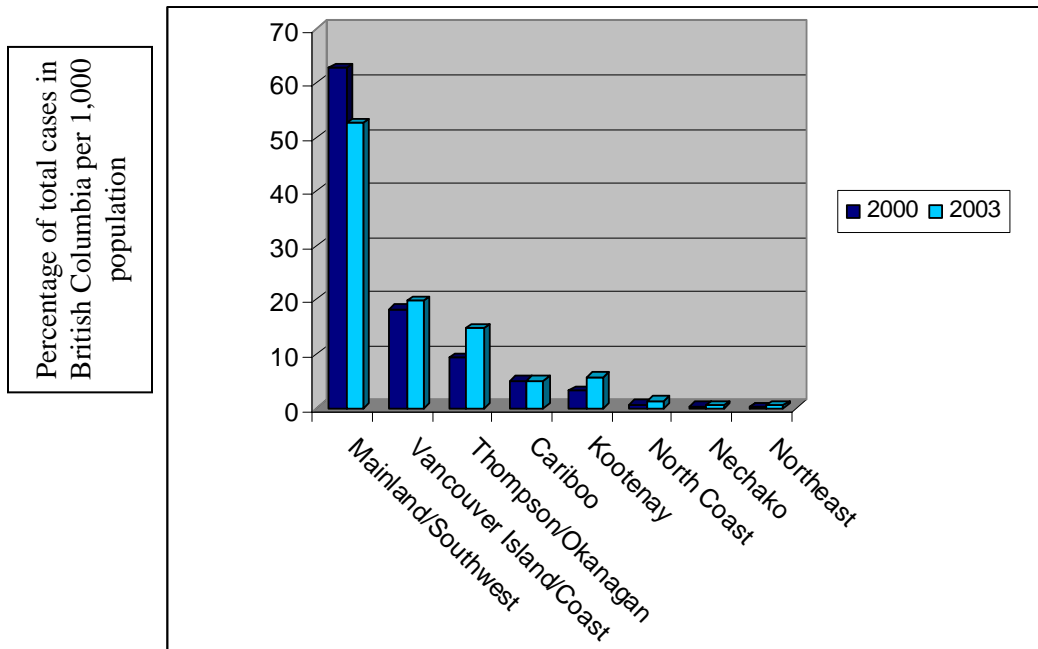
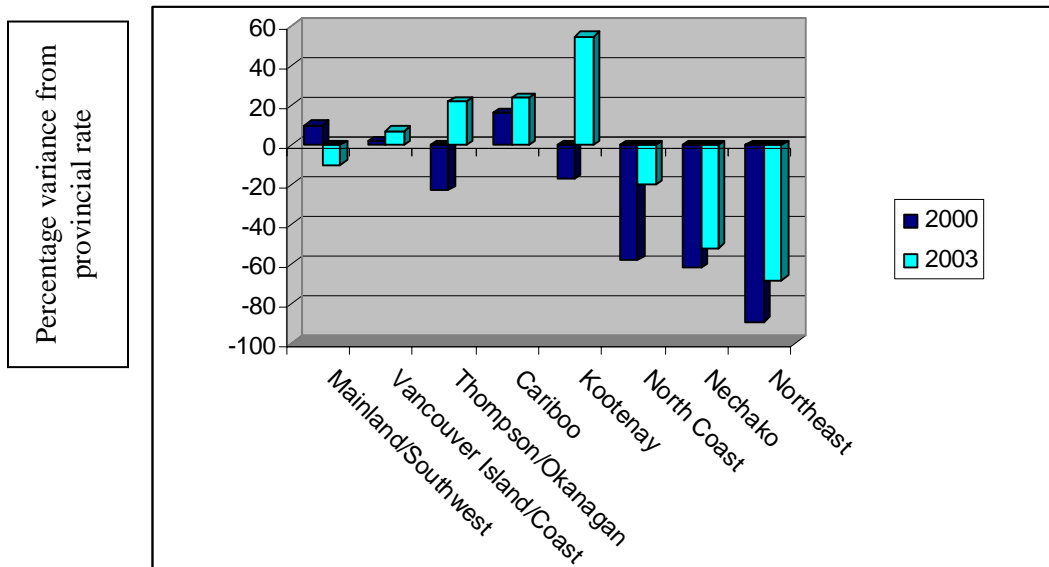


FIGURE 2.3: DEVELOPMENT DISTRICT PERCENTAGE VARIANCE FROM PROVINCIAL RATE IN 2000 AND 2003



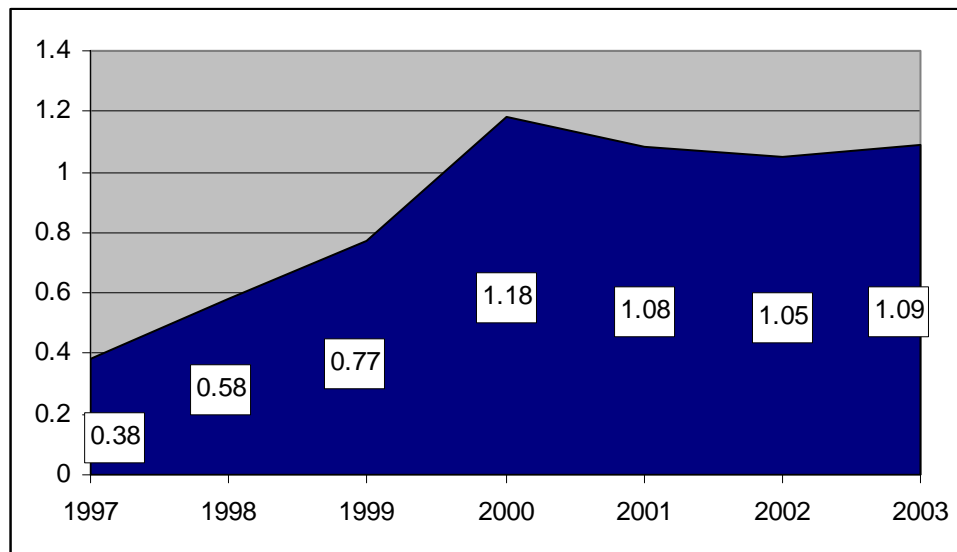
As indicated in Table 2.3, the district rates in the Lower Mainland, North Coast, Nechako, and Northeast are lower than the provincial rate when controlled for population. The five highest local rates, in comparison with the provincial rate, are shown in Table 2.4. Figure 2.4 charts the provincial rate per 1,000 population of marihuana cultivation in the seven year period. The dramatic rise from 1997 through 2000, and the plateau thereafter, is evident in this figure. Since 2000, the provincial rate of marihuana cultivation has remained over three times the rate seen in

1997. Figure 2.2 and Figure 2.3 show that marihuana cultivation cases have decreased in the Lower Mainland and increased in Vancouver Island/Coast, Thompson/Okanagan, and Kootenay areas since 2000. The rest of the jurisdictions are relatively stable from 2000 to 2003.

TABLE 2.4: MARIHUANA CULTIVATION CASES KNOWN TO THE POLICE 1997-2003: TOP FIVE REGIONAL DISTRICTS BY LOCAL RATE VARIANCE FROM PROVINCIAL RATE

<i>Development Regions and Regional Districts</i>	<i>Percentage variance from provincial rate 1997-2003</i>
Powell River	+232
Central Kootenays	+142
Alberni-Clayquot	+102
Fraser-Fort George	+78
Comox Strathcona	+78

Figure 2.4: RATE PER 1,000 POPULATION OF MARIHUANA CULTIVATION INCIDENTS KNOWN TO THE POLICE IN BRITISH COLUMBIA 1997-2003



As mentioned above, of the 149 jurisdictions in British Columbia, ten jurisdictions in British Columbia account for over 50% of all police cases in the province for the year 2003. Each of these jurisdictions have had at least a 150% increase in marihuana cultivation incidents from 1997. The average number of cases of marihuana cultivation in 2003 in each of the top ten jurisdictions was 245 (see Table 2.5). Notably, Surrey has surpassed Vancouver as the most prolific jurisdiction in the province. New entries (since 2000) to the top ten list include Kelowna, Prince George, and Ridge Meadows. The largest increases over the seven year period are in Prince George, Kelowna, and Coquitlam, each with increases of over 500%.

TABLE 2.5: JURISDICTIONS IN BRITISH COLUMBIA WITH HIGHEST VOLUME OF MARIHUANA CULTIVATION FILES OPENED IN 2003

<i>RCMP Detachment/ Police Department</i>	<i>Number of cases of marihuana cultivation in 2003</i>	<i>Percentage increase over the seven-year period</i>	<i>Number of files as a percentage of all files opened in BC in 2003</i>
Surrey	441	385 %	9.8 %
Vancouver	335	162 %	7.4 %
Coquitlam	297	624 %	6.6 %
Kelowna	260	550 %	5.8 %
Burnaby	218	169 %	4.8 %
Chilliwack	204	214 %	4.5%
Prince George	189	722 %	4.2 %
Richmond	180	339 %	4.0 %
Langley	170	170 %	3.8 %
Ridge Meadows	152	375 %	3.4 %
Average	245	304 %	54 %

As was the case in the Plecas et al. (2002) study, taken together, the top ten jurisdictions, based on a raw count of the number of marihuana cultivation cases, account for over 50% of the provincial total of marihuana growing operations; however, three of the top ten jurisdictions have rates, based on per 1,000 population, below the provincial rate. These are: Vancouver (47% below the per capita provincial rate), Richmond (5% below the per capita provincial rate) and Burnaby (2% below the per capita provincial rate). Table 2.6 shows the top ten jurisdictions and how they vary from the provincial rate of marihuana growing operations in 2003. Interestingly, the largest variance from the provincial rate can be seen in Chilliwack, Prince George, and Kelowna, each of these being relatively rural locations compared to the other jurisdictions in the top ten. In effect, Vancouver is currently 47% below the provincial rate, while in 2000 it was 1% above the per capita provincial rate. The jurisdictions of Delta, Nanaimo, and Abbotsford were in the top ten jurisdictions in 2000 and have since dropped off the list for 2003. An interesting note is that Delta, Nanaimo and Abbotsford have active ‘green teams’ to increase the enforcement against marihuana growing operations.

TABLE 2.6: JURISDICTIONS IN BRITISH COLUMBIA WITH HIGHEST VOLUME OF MARIHUANA CULTIVATION CASES IN 2003

<i>RCMP Detachment or Police Department</i>	<i>Number of cases in 2003</i>	<i>Population*</i>	<i>Rate per 1,000 population</i>	<i>Percentage* variance from provincial rate (1.09)</i>
Surrey	441	378,578	1.16	+ 6%
Vancouver	335	577,962	0.58	- 47%
Coquitlam	297	175,496	1.69	+ 55%
Kelowna⁶	260	110,167	2.36	+ 117%
Burnaby	218	202,852	1.07	- 2%
Chilliwack⁷	204	80,719	2.53	+ 132%
Prince George	189	76,597	2.47	+ 127%
Richmond	180	172,032	1.04	- 5%
Langley	170	117,366	1.45	+ 33%
Ridge Meadows⁸	152	84,933	1.79	+ 64%

* All percentages have been rounded to the nearest whole number.

Sources of Information

Table 2.7 outlines the source of information leading to the opening of a marihuana cultivation file in British Columbia. The 25,014 files reviewed for this report contained information on the source of that information in 87% of the cases. The majority of information derives from Crimestoppers or anonymous informants (57% over the seven year period). All of the categories have remained relatively stable across the seven year study period with the exception of reports coming from neighbours, which have increased by 7% between 1997 and 2003 (see Table 2.7). Reports from BC Hydro have decreased from 8% in 1997 to 2% in 2003. Notably, despite bylaws in many municipalities concerning landlord liability in rental growing operations, information received from landlords has not increased over the past seven years. There has been an increase in the number of calls from neighbours as a source, and this may suggest that public awareness campaigns, such as Growbusters, a Crimestoppers-like tip line

⁶ In 2002, the Kelowna detachment was amalgamated to include Lake Country.

⁷ In 2002, the Chilliwack detachment was amalgamated to include Aggasiz, Hope and Boston Bar.

used solely for the reporting of marihuana grow operations in Vancouver, have started to impact the number of grow operations in the province, specifically in the Lower Mainland.

TABLE 2.7: SOURCE OF THE INFORMATION LEADING TO OPENING OF MARIHUANA CULTIVATION FILE: PERCENTAGE* FROM EACH SOURCE BY YEAR IN BRITISH COLUMBIA 1997-2003

<i>Source**</i>	1997	1998	1999	2000	2001	2002	2003	<i>Overall</i>
Crimestoppers or anonymous informants	55 %	57 %	55 %	59 %	57 %	58 %	51 %	57 %
While responding to other crime	12 %	11 %	12 %	10 %	8 %	7 %	7 %	9 %
Landlord	7 %	7 %	8 %	8 %	7 %	7 %	7 %	8 %
Neighbour	3 %	4 %	3 %	6 %	7 %	8 %	10 %	7 %
General investigation	4 %	4 %	6 %	5 %	5 %	5 %	7 %	6 %
Routine check (including road stops)	5 %	6 %	6 %	5 %	4 %	4 %	2 %	4 %
While serving a warrant	3 %	3 %	4 %	2 %	2 %	2 %	5 %	3 %
BC Hydro	8 %	4 %	4 %	3 %	1 %	2 %	2 %	3 %
Other (e.g. fire, government officials)	3 %	3 %	3 %	3 %	8 %	8 %	8 %	5 %

N=21,762

* All percentages have been rounded to the nearest whole number.

** Information identifying a type of source was available in 87% of all cases.

Investigations

Marihuana cultivation cases are very complex and there are a number of variables that determine whether an investigation will proceed to charge. Search warrants demand solid grounds and there have been court decisions, most notably the decisions surrounding the use of the FLIR⁹, that have affected police ability to obtain a search warrant in cultivation cases. Table 2.8 illustrates how the number of cases where the initial information received by the police did not lead to further action seems to have increased significantly over the seven-year period. Figure 2.5 shows how the percentage of cases in which the information received led to a full investigation (i.e. usually a search of the premises/property) has decreased steadily since 1997. This decrease in full investigations is mirrored by an increase in initial investigation and ‘no action’ cases.¹⁰

⁸ Includes the municipalities of Maple Ridge and Pitt Meadows.

⁹ Forward Looking Infrared device used for thermal imaging.

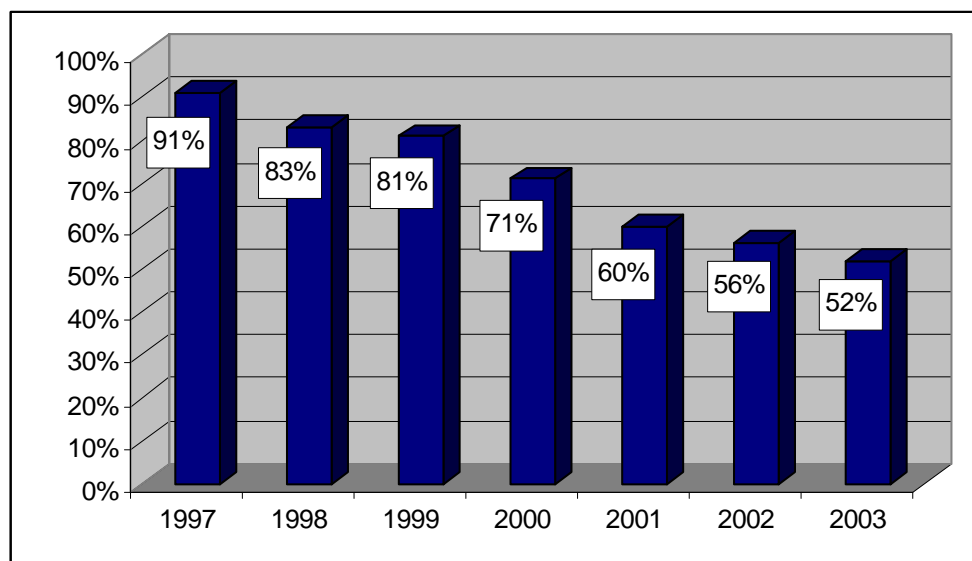
¹⁰ Initial investigation would include the cases where there was insufficient evidence to obtain a search warrant. The classification ‘no action’ denotes cases for which no police investigation has occurred.

TABLE 2.8: ACTION TAKEN BY THE POLICE AFTER RECEIVING INFORMATION ON SUSPECTED MARIHUANA GROWING OPERATIONS AND THE PERCENTAGE OF CASES IN WHICH A FULL INVESTIGATION WAS CONDUCTED IN BRITISH COLUMBIA 1997-2003

YEAR	<i>Percentage of Cases Where Action was Taken After Information was Received</i>		
	Full investigation	Initial investigation only	No action taken
1997 (n = 1489)	91 %	2 %	7 %
1998 (n = 2342)	83 %	2 %	15 %
1999 (n = 3100)	81 %	4 %	15 %
2000 (n = 4802)	71 %	6 %	23 %
2001 (n= 4464)	60 %	25 %	15 %
2002 (n= 4303)	56 %	27 %	17 %
2003 (n= 4514)	52 %	26 %	22 %

N = 25,014

FIGURE 2.5: PERCENTAGE* OF FULL INVESTIGATION MARIHUANA CULTIVATION CASES IN BRITISH COLUMBIA 1997-2003



*All percentages rounded to the nearest whole number

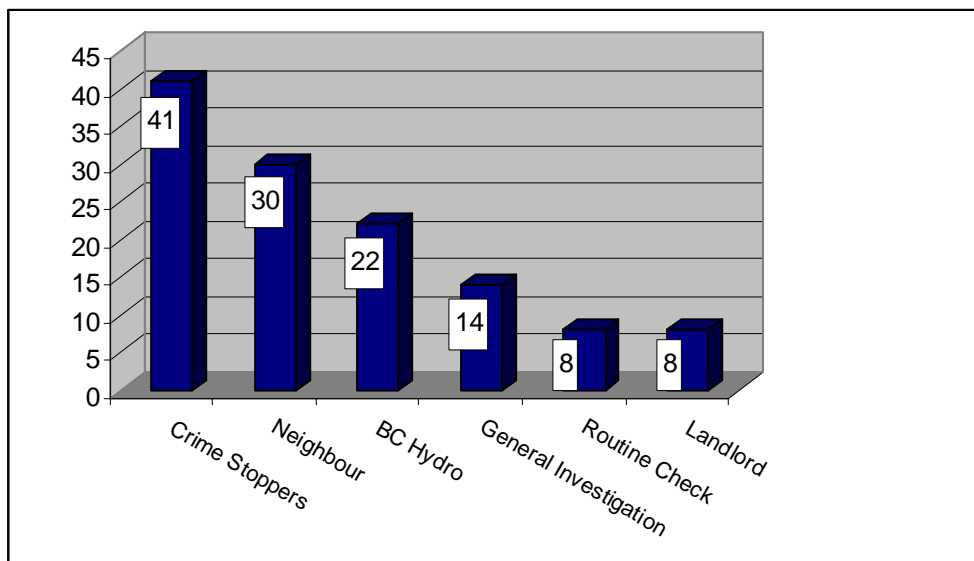
Table 2.9 indicates the average number of days elapsed from opening a marijuana production file to the date of search has decreased between 2000 to 2003, from 29 days to 18 days. The source of complaint to the police also affects the length of time between the complaint and police attending the scene. In Figure 2.6, Crimestoppers or anonymous informants have the longest length of time between report and attendance, with an average of 41 days across the seven year period. The average time elapsed for a neighbour report is also lengthy at 30 days.

Reports from BC Hydro, general investigation, routine check, and landlords are substantially shorter. A reason for this may be the increased time needed to collect evidence for a search warrant in cases involving an anonymous informant.

TABLE 2.9: AVERAGE NUMBER OF DAYS ELAPSED FROM OPENING MARIHUANA CULTIVATION FILE TO SEARCH BY YEAR IN BRITISH COLUMBIA 1997-2003

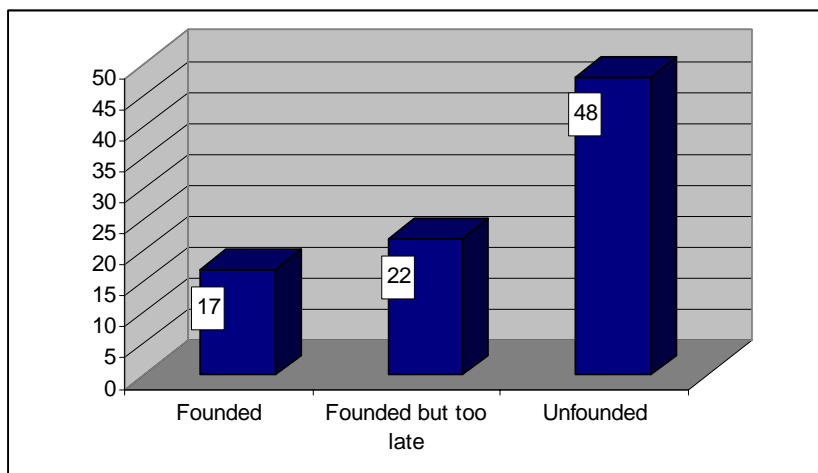
<i>Year</i>	<i>Average Number of Days Elapsed</i>
1997	17
1998	17
1999	24
2000	29
2001	21
2002	21
2003	18

FIGURE 2.6: AVERAGE NUMBER OF DAYS ELAPSED FROM OPENING OF A MARIHUANA CULTIVATION FILE TO SEARCH (BY SOURCE OF COMPLAINT) IN BRITISH COLUMBIA



Another important finding regarding police investigation of marijuana growing operations is the large amount of unfounded cases (see Figure 2.7). The fact that the days elapsed in getting to “unfounded cases” is nearly three times as long as the time elapsed for founded cases, and more than twice as long as cases “founded, but too late”, may suggest that a large number of unfounded cases are perhaps not unfounded at all. Rather, a large number of unfounded cases may be nothing more than cases founded very, very late.

FIGURE 2.7: AVERAGE NUMBER OF DAYS ELAPSED FROM OPENING OF A MARIHUANA CULTIVATION FILE TO SEARCH (BY STATUS OF CASE) IN BRITISH COLUMBIA



* All figures rounded.

Founded Cases

During the seven years included in this study, 87% of the cases where a full investigation was conducted were founded cases. In a further 6% of the cases where a full investigation was conducted, there was evidence that a marijuana cultivation operation had taken place, but the search occurred too late to produce formal evidence. During the year 2003, 45% of all the cases that came to the attention of the police and 86% of the cases where a full investigation was conducted, proved to be founded. As mentioned above, the percentage of founded cases appears to be consistently declining 1997 through 2003 (see Table 2.10 and Table 2.11).

TABLE 2.10: PERCENTAGE OF ALL MARIHUANA CULTIVATION CASES THAT CAME TO THE ATTENTION OF THE POLICE WHICH PROVED TO BE FOUNDED IN BRITISH COLUMBIA 1997-2003

<i>Year Cases brought to police attention</i>	<i>Cases founded and marihuana was seized</i>	<i>Evidence of cultivation, but a search occurred too late</i>
1997 (n = 1,489)	84 %	3 %
1998 (n = 2,342)	75 %	3 %
1999 (n = 3,100)	71 %	4 %
2000 (n = 4,802)	59 %	5 %
2001 (n = 4,464)	53 %	3 %
2002 (n = 4,303)	49%	4 %
2003 (n = 4,514)	45%	4 %

N = 25,014

* All percentages rounded.

TABLE 2.11: PERCENTAGE OF FULL INVESTIGATION WHERE THE CASE OF MARIHUANA CULTIVATION PROVED TO BE FOUNDED IN BRITISH COLUMBIA 1997-2003

<i>Year Number of full investigation</i>	<i>Case was founded, marihuana was seized</i>	<i>Evidence of cultivation, but a search occurred too late</i>	<i>Unfounded**</i>
1997 (n = 1345)	93 %	3 %	4 %
1998 (n = 1959)	90 %	4 %	6 %
1999 (n = 2509)	88 %	5 %	7 %
2000 (n = 3419)	82 %	6 %	12 %
2001 (n = 2667)	88 %	5 %	7 %
2002 (n = 2416)	87 %	7 %	6 %
2003 (n = 2360)	86 %	7 %	7 %
Overall Average	87 %	6 %	8 %
N = 16,675	14,483	933	1259

* All figures rounded.

** Unfounded cases did not necessarily involve a formal search (i.e. search warrant). Some cases coming to the attention of the police were classified as “unfounded” by officers following, for example, a follow-up meeting with a landlord, or an inspection on crown land.

Chapter 3

DESCRIPTION OF MARIHUANA GROWING OPERATIONS

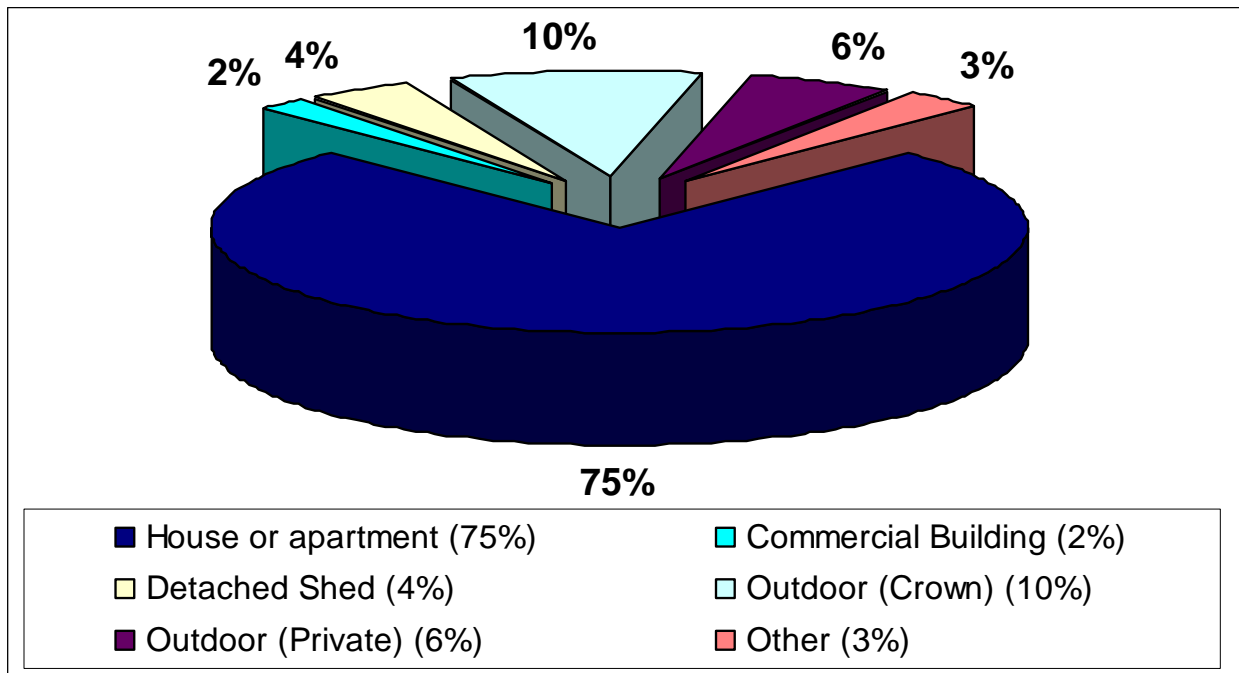
Between 1997 to 2003, more than 2.4 million marihuana plants and 19,325 kilograms of harvested marihuana were seized in British Columbia.. In general, the operations are becoming larger every year, as indicated by the number of plants and weight of harvested marihuana seized. With the increase in size and sophistication, communities are faced with progressively more harmful consequences related to marihuana growing operations. Specifically, grow operations result in an increased incidence of fires and children are present in 21%¹¹ growing operations.

Characteristics of Growing Operations

As was the case in the Plecas et al. (2002) study, the vast majority of the cases reviewed were indoor operations. As indicated in Figure 3.1 three quarters of founded grow operations are located within a house or apartment, while 16% are outdoors, located either on Crown (10%) or private (6%) land.

¹¹ Based on Vancouver data from 2003 due to incomplete recording in other jurisdictions.
Marihuana Growing Operations in British Columbia Revisited

**FIGURE 3.1: TYPE OF FOUNDED MARIHUANA GROWING OPERATIONS IN BRITISH COLUMBIA
1997-2003**



Note: For the period 1997 to 2000, 73% of cases were in houses or apartments, and 2% were in commercial buildings, 5% were in detached buildings, and 16% were associated to outdoor operations (See Plecas et al. (2002).

Table 3.1 describes the regional differences in outdoor growing operations. The Kootenay and Vancouver Island/Coast regions each have a large proportion of outdoor operations over the seven-year period. The Vancouver Island/Coast region has experienced a rise in the percentage of outdoor cases in 2002 and 2003. In part, this observed rise is due to the large number of outdoor eradications in this region. Eradications are large, coordinated policing initiatives aimed at locating and dismantling outdoor marijuana cultivation. The eradications are occasionally proactive, in the sense that many operations are spotted from air or sea without prior knowledge of the location. However, it is more common that the outdoor location comes to the attention of the police from informants, in a similar fashion to indoor growing operations.

TABLE 3.1: PERCENTAGE OF MARIHUANA CULTIVATION CASES INVOLVING AN OUTDOOR OPERATION IN EACH DEVELOPMENT REGION IN BRITISH COLUMBIA 1997- 2003

<i>Development Region</i>	<i>Percentage of cases involving outdoor cultivation</i>							
	1997	1998	1999	2000	2001	2002	2003	7 years
Kootenay	28 %	56 %	36 %	39 %	36 %	32 %	41 %	39 %
Vancouver Island/Coast	25 %	34 %	24 %	24 %	33 %	41 %	45 %	33 %
Thompson/Okanagan	20 %	32 %	26 %	23 %	25 %	21 %	23 %	25 %
North Coast	25 %	17 %	0 %	26 %	14 %	40 %	8 %	20 %
Cariboo	7 %	16 %	7 %	8 %	9 %	4 %	7 %	8 %
Northeast	0 %	17 %	8 %	0 %	1 %	0 %	0 %	5 %
Mainland/Southwest	7 %	7 %	5 %	6 %	4 %	5 %	5 %	5 %
Nechako	0 %	0 %	0 %	11 %	0 %	0 %	0 %	2 %
Province Overall	15 %	22 %	15 %	13 %	15 %	16 %	19 %	16 %

N = 25,014

The Size of Operations

The police case files indicate that marihuana was seized in both live plant and dried form. The average number of plants seized in marihuana growing operations has increased dramatically since 1997 (see Table 3.2). In fact, the average number of plants seized in indoor growing operations has increased each year since 1997. In 2003, the average number of plants per founded indoor grow operation was 236, an increase of nearly 60% from the average number per indoor growing operation in 1997.

Table 3.3 reports the number of kilograms of harvested marihuana seized in the province in each of the seven years studied. Notably, the average quantity of harvested marihuana seized has tripled since 1997 in both indoor and outdoor operations.

TABLE 3.2: AVERAGE NUMBER OF PLANTS INVOLVED WHEN PLANTS WERE SEIZED BY TYPE OF OPERATION IN BRITISH COLUMBIA 1997-2003

<i>Type of Operation</i>	<i>Average Number of Plants Seized in the Province</i>							
	1997	1998	1999	2000	2001	2002	2003	7 Year Average
Indoor	149	158	188	192	210	215	236	198
Outdoor	76	103	106	134	118	106	93	106
Other (bunker, trailer, vehicle)	162	118	220	166	78	134	224	128
All types combined	141	140	182	180	194	195	208	180

* All figures rounded.

FIGURE 3.2: AVERAGE NUMBER OF MARIHUANA PLANTS SEIZED PER INDOOR MARIHUANA GROWING OPERATIONS IN BRITISH COLUMBIA 1997-2003

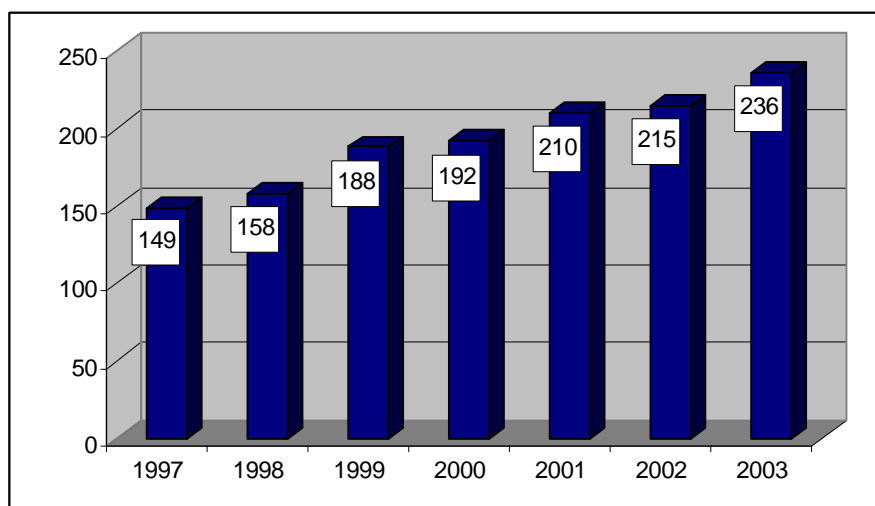


TABLE 3.3: AVERAGE NUMBER OF KILOGRAMS OF HARVESTED MARIHUANA SEIZED IN BRITISH COLUMBIA 1997- 2003

<i>Type of Operation</i>	<i>Number of kilograms of harvested marihuana seized</i>							
	1997	1998	1999	2000	2001	2002	2003	Total 7 years
Indoor	2.1	2.7	4.9	4.1	6.5	9.0	6.9	5.2
Outdoor	12.6	5.4	5.2	5.4	10.3	7.0	15.2	8.3
Other (e.g. bunker, trailer, vehicle)	2.1	1.8	3.9	3.3	1.3	3.5	1.7	3.2
All types combined	2.4	2.7	4.8	4.0	6.6	8.5	7.2	5.1

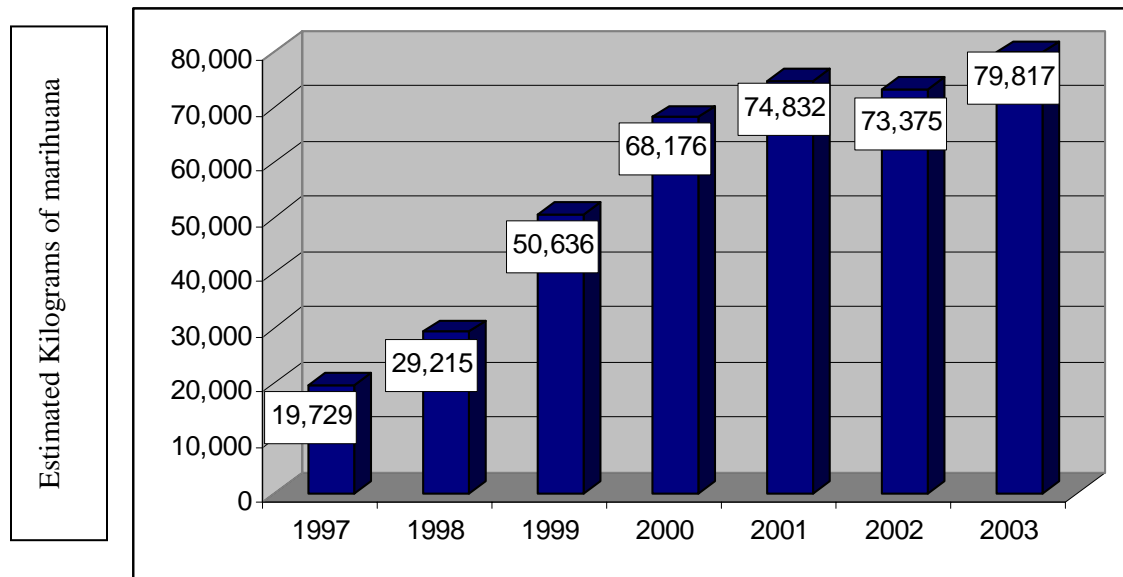
Table 3.4 shows the total quantity of marihuana seized between 1997 and 2003. The quantity of potentially harvestable substance per plant was conservatively estimated on the basis of 100 grams (or approximately 3.5 ounces) per plant.

TABLE 3.4: TOTAL QUANTITY OF MARIHUANA SEIZED IN BRITISH COLUMBIA 1997-2003

<i>Form in which marihuana seized</i>	<i>Estimated number of marketable kilograms of marihuana seized each year</i>							
	1997	1998	1999	2000	2001	2002	2003	Total
In plant form (100 gm / plant)	16,847	22,978	37,565	45,988	41,524	37,240	38,763	240,905
In bulk form already harvested	973	1,368	3,289	3,066	3540	4086	3002	19,325
Total Kilograms	17,820	24,346	40,854	49,054	45,069	41,326	41,765	260,229

In any case, the most realistic and useful figures on the amount of marihuana associated with cultivation cases in British Columbia over the 1997 to 2003 period are estimates of yearly production within the population of calls coming to the attention of police. Indeed, using such an estimate makes sense because the figures in the amount of marihuana actually seized is skewed downward by the fact that over the seven year period, the percentage of calls for service which led to a full investigation by police has steadily declined (refer to Table 2.8). As can be seen from Figure 3.3, using such an estimate shows that the estimated amount of marihuana produced each year has consistently increased to the point where the total volume in 2003, nearly 80,000 kilograms, is four times the nearly 20,000 kilograms produced in 2003. The total estimated volume produced over the seven year period is 395,780 kilograms, and in considering that figure, it is important to note that it is calculated from only the population of calls coming to the attention of the police.

FIGURE 3.3: ESTIMATED QUANTITY (IN KILOGRAMS) OF MARIHUANA PRODUCED FROM INCIDENTS COMING TO THE ATTENTION OF THE POLICE



* These estimates were derived using the following equation: (% founded cases in each year where full investigation occurred X total marihuana grow operations calls coming to the attention of police per year) X average quantity of marihuana seized in founded grow operations per year.

Value of Marihuana Seized

There are many different techniques to calculate what the average market value of confiscated marihuana is and on how to estimate it¹². The same estimation procedure used in the Plecas et al. (2002) report was used in this study. The authors have conservatively estimated that marihuana plants could yield approximately 100 grams per plant, and that the average wholesale market value of a kilogram of dry British Columbia marihuana, when sold in quantities of over one kilogram has been at least \$3,500 per kilogram.¹³ Using this estimate, and based on the estimate of marihuana seized in British Columbia from January 1, 1997 through December 31, 2003 (see Table 3.4), at a cost of \$3,500 per kilogram the value of the marihuana seized would yield a market value of approximately \$910,801,500.

¹² See S. Easton's report for a full discussion of economic techniques on market estimation for marihuana production and distribution. Easton, S.T. (2004). *Marijuana growth in British Columbia*. Vancouver: Fraser Institute.

¹³ Plecas, D., Dandurand, Y., Chin, V., & Segger, T. (2002). *Marihuana Growing Operations in British Columbia: An Empirical Survey (1997-2000)*. Abbotsford: University College of the Fraser Valley.

Growing Sophistication of Operations

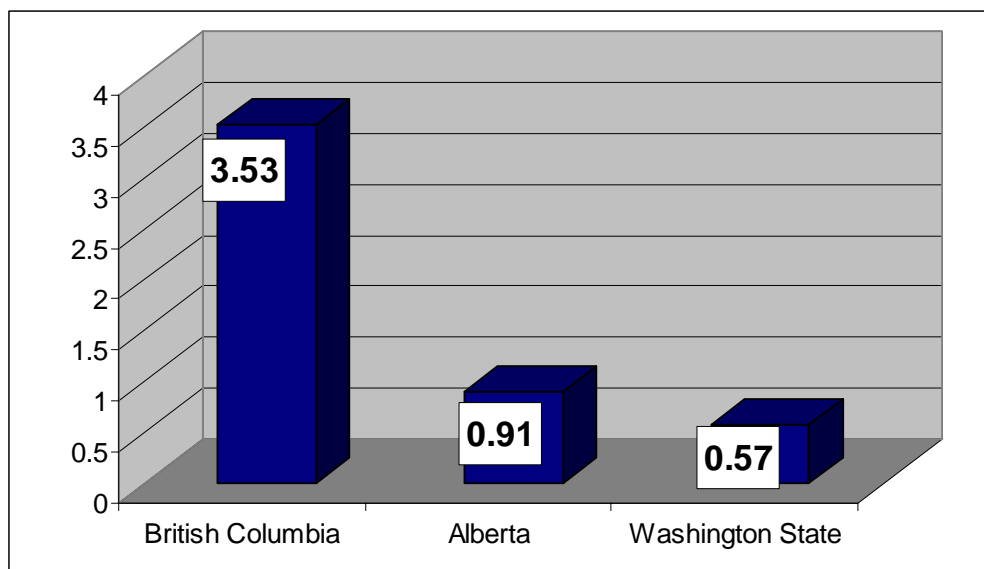
Marihuana growing operations have not only grown in size over the past seven years, the sophistication of the operations also appears to be increasing. In the last three years of this study, it appears that more specialized equipment (i.e. timers, advanced hydroponic systems, electrical bypasses) are being used. The concept of increasing sophistication is not empirically measurable through the current file review study, however, the variables of electricity bypasses, number of hydroponic stores, and average number of lights per grow operation are indicative of increasing sophistication of measures.

This growth in sophistication and the number of grow operations is reflected in the increasing number of hydroponic stores in the province. In 2000, there were 101 different hydroponic stores in British Columbia.¹⁴ In 2004, this number increased to 149 unique hydroponic locations.¹⁵ The rate of growth in the number of hydroponic stores in British Columbia is six times higher than Washington State and nearly four times greater than Alberta, British Columbia's two closest neighbours (see Figure 3.4). This nearly 50% increase in hydroponic shops in British Columbia since 2000 is particularly interesting when considered against the apparent leveling off of the number of complaints coming to the attention of the police over the same time period.

¹⁴ Kirkpatrick, S., Hansom, D., Plecas, D., and Dandurand, Y., (2002). *Hydroponic Cultivation Equipment Outlets in British Columbia, Alberta and the State of Washington*. Vancouver/Abbotsford: International Centre for Criminal Law Reform and Criminal Justice Policy and the Department of Criminology and Criminal Justice, University College of the Fraser Valley, January 2002.

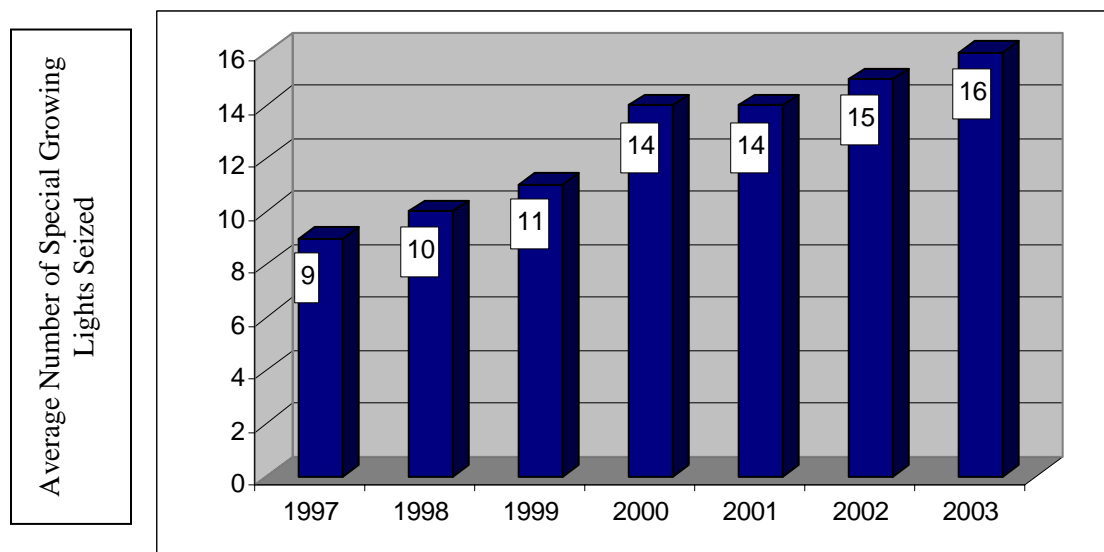
¹⁵ Determined through systematic online review of 2004 telephone advertisements in British Columbia, Alberta, and Washington State.

FIGURE 3.4: RATE OF HYDROPONIC OUTLETS PER 100,000 POPULATION IN BRITISH COLUMBIA, ALBERTA AND WASHINGTON STATE 2004



Another variable that measures the increasing sophistication of growing operations is the use of special high voltage light bulbs. Figure 3.5 shows that the average number of special lights seized per growing operation has consistently increased over the seven-year study period.

FIGURE 3.5: AVERAGE NUMBER OF SPECIAL GROWING LIGHTS SEIZED FROM INDOOR MARIHUANA CULTIVATION OPERATIONS IN BRITISH COLUMBIA 1997-2003



* Includes some lights seized from trailers, bunkers, or lights boxed in vehicles.

Sophisticated indoor marijuana growing operations require large amounts of electricity to power high wattage lights which accelerate plant growth. In a few cases, special electric generators are used, while in others, particularly in small to medium size operations, electricity is

consumed and paid for, but the operation is frequently moved to avoid detection. Operators often attempt to avoid detection as a result of their high consumption of electricity by stealing the electricity or by “diverting it”, tampering with the meter, or by-passing it altogether. According to available information on file, the percentage of indoor marihuana growing operations involving the theft of hydro services remained relatively stable over the seven years. During this seven-year period, an average of 20% of founded cases involved theft of electricity. Table 3.5 summarizes the limited data collected on the incidence of theft of electricity during the period reviewed. The estimated value of electricity theft was known in only 47% of all cases involving a theft of electricity. The average estimated value of electricity theft has increased steadily since 2001 indicating that more electricity is being used through a single bypass and/or that the bypass is active for a longer period of time. This suggests operations that are either using more bulbs or operations with a larger number of plants. However, due to the decline in the percentage of indoor cultivation cases involving theft of electricity since 2000, the total reported sum of hydro theft has correspondingly decreased from \$711,154 in 2000 to \$489,909 in 2002 (see Table 3.5).

TABLE 3.5: THEFT OF ELECTRICITY INVOLVED IN CASES OF INDOOR MARIHUANA GROWING OPERATIONS IN BRITISH COLUMBIA 1997-2003

	1997	1998	1999	2000	2001	2002	2003
Percentage of indoor cultivation cases involving theft of electricity	21 %	14 %	20 %	26 %	16 %	21 %	21 %
Average value of hydro theft per operation *	\$ 2,880	\$ 3,145	\$ 2,563	\$ 2,784	\$3,152	\$ 3,699	\$ 3,740
Total reported sum of hydro theft*	\$ 250,596	\$ 207,544	\$ 392,166	\$ 711,154	\$ 438,083	\$ 447,628	\$ 489,909

* An assessment of the amount of electricity stolen was made in only 47% of the cases. The authors, extrapolating from what the data shows on founded cases and “no action” cases, estimate that the actual amount of hydro theft would have exceeded \$3.2 million in 2003 alone.

The Potential Harm Associated with Indoor Growing Operations

Table 3.6 summarizes the information collected on some other characteristics of the founded marihuana cultivation cases investigated by the police in British Columbia between 1997 and 2003. Hazards were present in only 2.1% of founded cases, and its prevalence remained stable over the seven-year study time frame (see Table 3.6). The most common associated harm was the presence of a firearm (6.0%) which has increased since 2000. Overall, 15.3% of indoor grow operations had at least one harmful circumstance present (i.e. weapons,

fire, other drugs) and that figure ignores electricity by-passes (i.e. 20% of cases), the presence of mold, and the chance of home invasions. The likelihood of harmful circumstances being present is particularly disturbing in view of the significant number of instances where children have been present at a grow operation. As Table 3.6 shows, children were recorded as being present in 21% of founded marihuana grow operations in 2003.

TABLE 3.6: OTHER CHARACTERISTICS OF MARIHUANA GROWING OPERATIONS IN BRITISH COLUMBIA 1997-2003

<i>Circumstance</i>	<i>Percentage of founded cases</i>
Hazards present (e.g., booby trap, explosives, dangerous chemical product)	2.1 %
Fire involved in indoor grows	3.7 %
Firearms seized	6.0 %
Other drugs seized (e.g. cocaine, heroin)	3.6 %
Other weapons seized (e.g., knives)	2.9 %
Children present (Vancouver 2003)	21 %*

* Due to the lack of consistent record keeping on children present in most other jurisdictions, this figure is based Vancouver 2003 data only.

Indoor growing operations are substantially more likely to catch fire than other residences. As Table 3.7 shows, there were 419 fires related to indoor grow operations in British Columbia between 1997 and 2003. Notably, the percentage of indoor grow operations associated to a fire has slightly increased year over year since 1999. In 2003, that percentage reached a seven-year high of 4.7%.

TABLE 3.7: NUMBER AND PERCENT OF FIRES OCCURRING IN FOUNDED INDOOR MARIHUANA GROWING OPERATIONS IN BRITISH COLUMBIA 1997-2003

	1997	1998	1999	2000	2001	2002	2003	Overall
Number of Fires	32	48	51	69	72	67	80	419
Percent of Indoor Grow Operations Resulting in a Fire	3.5 %	4.1 %	3.1 %	3.4 %	3.5 %	3.7 %	4.7 %	3.7 %

Occurrences of fires, however, are not evenly dispersed among jurisdictions. In order to examine grow operation fires in more detail, the authors obtained data on all fires occurring in the City of Surrey, official incident reports on these fires, and the number of single family residences in the City of Surrey from January 1, 1997 through December 31, 2003. Their data are important because they allow for an analysis of the incidence of fires at grow operations relative to the incidence of fires in general. Equally important, both the official fire data and the individual fire reports allowed cross-referencing between the police-based database on grow operation fires to confirm that the analysis would only include those cases that made explicit reference to fires originating from an electrical problem associated to the presence of a grow operation within a single-family dwelling. Accordingly, the analysis excluded all individual reports of grow operation fires occurring in anything other than a single-family dwelling (i.e. sheds, barns, commercial buildings, apartments, or multiple family dwellings). The analysis also excluded any incident reports of grow operation fires if the suspected cause of the fire was not clearly and specifically tied to an electrical issue.

Using the data provided by the Surrey Fire Service, from 1997 to 2003, Surrey averaged 133 single family house fires per year. Given the number of single family homes in Surrey, this translates into an average of one fire per year per 525 homes (see Table 3.8). Given the likelihood of fire associated to grow operations is one in 22, it is fair to say that the probability of a fire in a home with a grow operation is 24 times as great as it is for a home in general.

TABLE 3.8: INCIDENCE OF FIRE AT SINGLE FAMILY RESIDENCES (SFR) IN SURREY FOR THE PERIOD 1997-2000

<i>Year</i>	<i>Population of SFRs</i>	<i># of SFRs catching fire</i>	<i>Incident Ratio</i>
1997	66,637	107	1 in 623
1998	68,152	128	1 in 532
1999	68,703	112	1 in 613
2000	69,703	135	1 in 514
2001	70,599	135	1 in 523
2002	71,777	142	1 in 505
2003	73,118	173	1 in 423
Average	69,766	133	1 in 525*

*Includes fires involving grow operations. The incident ratio for fires among the population of grow operations at single family residences for data available for the 1997-2003 period is one in 22 (i.e. based on 23 fires within a population of 513 grow operations).

Table 3.9 describes the percentage of all fires in single family homes in the municipality of Surrey that appear to be directly attributable to an electrical problem associated with a grow operation. Out of a total of 173 fires in single family residences in Surrey in 2003, 8.7% involved electrical issues connected to marihuana grow operations. Equally noteworthy is that the average value of property loss in electrical fires involving grow operations in single family residences between 1997 and 2003 was nearly twice as high (i.e. \$59,307) as for house fires in general in Surrey over that same time period (i.e. \$31,282).

TABLE 3.9: TOTAL NUMBER OF FIRES AND PERCENT OF FIRES ASSOCIATED TO ELECTRICAL ISSUES INVOLVING GROW OPERATIONS IN SURREY, BRITISH COLUMBIA 1997-2003*

<i>Year</i>	<i># of Fires</i>	<i>% Involving Grow Operations</i>
1997	107	.9
1998	128	6.3
1999	112	6.3
2000	135	5.2
2001	135	3.0
2002	142	1.4
2003	173	8.7
<i>Average</i>	932	4.7

*Figures based on a review of individual Surrey RCMP police files and cross-checked against individual fire incident reports from Surrey Fire Service. Only grow operations involving single family residences and only those fires confirmed to be associated with electrical issues were considered.

In considering the risk of fire associated to grow operations, it is important to keep in mind that not all fires involving grow operations are associated with an electrical by-pass issue. Rather, they can better be described as being associated with a number of electrical issues (including by-passes), most of which appear to be associated to a failure on the part of the individual(s) in control of the grow operation to comply with electrical standards.

Chapter 4

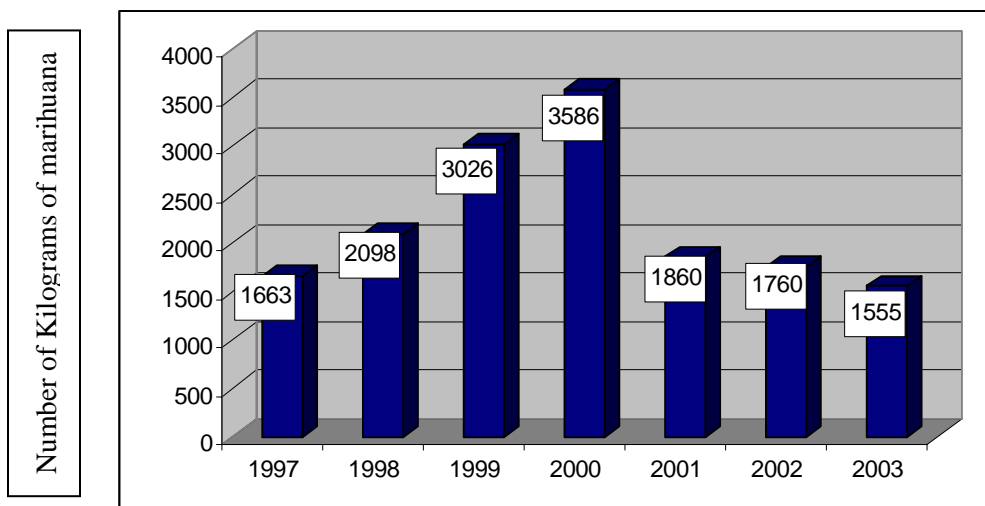
THE SUSPECTS

The researchers found just under 16,000 suspects involved in marihuana cultivation operations in British Columbia between 1997 and 2003. For BC as a whole, the majority of suspects were Caucasian males and in their mid-thirties. A more recent demographic shift has been the substantial increase in the number of Vietnamese suspects since 1997. Overall, the characteristics of suspects over the 1997 to 2000 period has remained relatively stable.

Description of Suspects

A total of 15,588 suspects were identified out of the 14,483 founded cases of marihuana cultivation. Figure 4.1 represents the constant rise in suspects from 1997 through 2000 and then a dramatic drop in the number of suspects in 2001 through 2003. The increase and subsequent drop in number of suspects can be related to the concomitant rise in the number of founded cases that proceeded to investigation from 1997 through 2000, and the subsequent rise in “no case” seizures (see Chapter 5) and “no action” files with no suspects 2001 through 2003. As mentioned earlier in this report, identical data collection methods were strictly adhered to in both phases of the research, thereby excluding the possibility of collection procedures influencing the number of suspects recorded over the two phases of the study.

FIGURE 4.1: NUMBER OF SUSPECTS IDENTIFIED IN RELATION TO FOUNDED MARIHUANA CULTIVATION OPERATIONS IN BRITISH COLUMBIA 1997-2003



Characteristics of the suspects involved can be seen in Table 4.1. Seventy-seven percent of all suspects were male, 2% of all the suspects identified were under the age of 18, and the average age of suspects was 35 years old.

TABLE 4.1: NUMBER, AGE, AND ETHNIC GROUP OF SUSPECTS INVOLVED IN FOUNDED MARIHUANA CULTIVATION OPERATIONS WITH SUSPECTS PRESENT IN BRITISH COLUMBIA 1997-2003

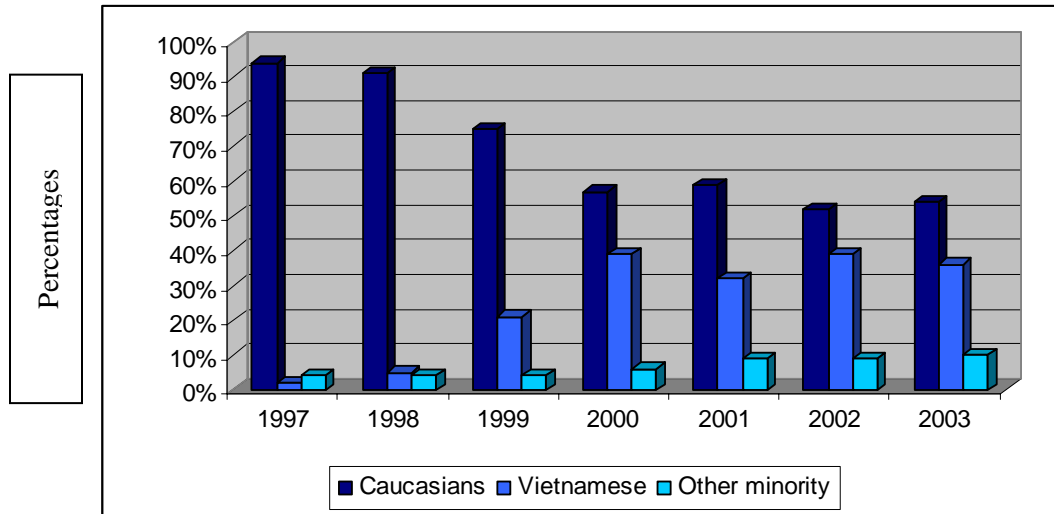
<i>Characteristics</i>	<i>1997</i>	<i>1998</i>	<i>1999</i>	<i>2000</i>	<i>2001</i>	<i>2002</i>	<i>2003</i>	<i>Overall</i>
Average number of suspects per case	2.1	2.1	2.3	2.3	1.9	2.0	2.1	2.1
Percentage of suspects who were male	79 %	80 %	78 %	75 %	77 %	74 %	77 %	77 %
Percentage of suspects who were female	21 %	20 %	22 %	25 %	23 %	26 %	23 %	23 %
Average age of suspects	34	34	34	35	35	36	36	35
Percentage of suspects under the age of 18	1 %	2 %	2 %	2 %	2 %	1 %	1 %	2 %
Percentage of suspects from any minority ethnic groups	6 %	9 %	25 %	43 %	41 %	48 %	46 %	31 %
Percentage of suspects of Vietnamese origin	2 %	5 %	21 %	39 %	32 %	39 %	36 %	26 %

N = 15,588

Figure 4.2 shows a steady decline in Caucasian suspects and a corresponding increase in Vietnamese suspects. For 1997 and 1998 and, to large degree, 1999, the most frequently occurring ethnicity reported in the suspect data is Caucasian. However, Vietnamese suspects. Marihuana Growing Operations in British Columbia Revisited

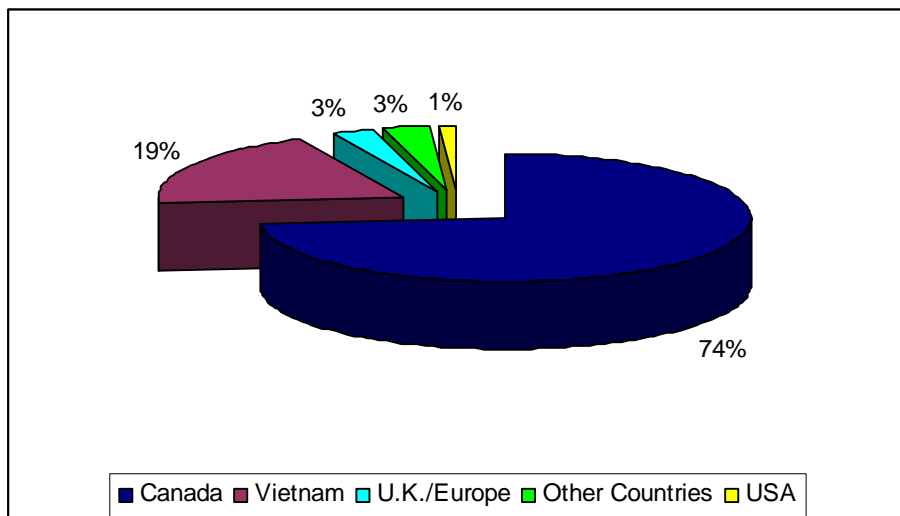
represented 2% of all suspects associated to growing operations, but by 2003, they represented 36%. Other minority groups have increased from 4% in 1997 to 10% in 2003, many of these from Mainland China. However, Caucasians remain the most common ethnicity.

FIGURE 4.2: ANNUAL PERCENTAGES OF SUSPECTS INVOLVED IN MARIHUANA CULTIVATION OPERATIONS BY ETHNIC GROUP IN BRITISH COLUMBIA 1997-2003



In terms of the distribution of suspects by place of birth, 74% percent of all known suspects were born in Canada (see Figure 4.3). As expected, due to their substantial increase as suspects since 2000, Vietnam is the second most common country of origin among suspects. Very few foreign born suspects were from the United States or Europe.

FIGURE 4.3: PLACE OF BIRTH OF SUSPECTS INVOLVED IN MARIHUANA CULTIVATION OPERATIONS IN BRITISH COLUMBIA 1997-2003*



*All percentages rounded to the nearest whole number

Criminal History of Suspects

Each of the 15,588 suspects were checked against the CPIC database to determine if he or she had a record of prior criminal convictions. For approximately 20% of these suspects, it was not possible to determine previous criminal history due to incomplete or unmatchable file information. The most common reason for not being able to match suspects was because of incomplete, missing, or erroneous recording of the suspect's name, date of birth, fingerprint identifier number (FPS), or, because there was more than one offender with identical details on file. In order to avoid double counting of suspects, imperfectly populated suspect forms were dropped from the criminal history analysis.

Marihuana cultivation suspects typically had a substantial criminal history. Excluding missing cases, 47% of all suspects had prior criminal convictions at the time of investigation. In total, 57% of all suspects had at least one prior conviction for a drug offence and 41% had a prior conviction involving some form of violence.

The percentage of suspects with a criminal record was lower for suspects of Vietnamese origin (28%), all other suspects (53%). A possible reason for this may be that many Vietnamese suspects are first generation, as indicated by their country of birth, and information on their criminal histories prior to arriving in Canada was not available.

TABLE 4.2: PERCENTAGE OF SUSPECTS WITH A CONFIRMED PRIOR CRIMINAL CONVICTION MARIHUANA CULTIVATION CASES IN BRITISH COLUMBIA 1997-2003

<i>Category of suspects</i>	<i>Percentage of suspects with at least one prior criminal conviction</i>
All suspects	47 %
All suspects excluding those of Vietnamese origin	53 %
Suspects of Vietnamese origin	28 %

N = 15,588

Table 4.3 presents a comparison between suspects of Vietnamese origin and other suspects. The average length of the criminal history of the former is a little less than one-half the average length of the criminal history of other offenders (6 years versus 13 years, respectively). Moreover, criminal histories involved, on average, approximately half as many offences for Vietnamese suspects. The criminal records of suspects of Vietnamese origin also have almost

half the number of prior violent offences and are convicted in fewer jurisdictions than non-Vietnamese suspects. The average period of time between each conviction, however, is shorter among Vietnamese suspects than others. Regardless of country of birth, over one-half of all suspects, regardless of country of birth, were guilty of at least one Controlled Drugs and Substances Act offence prior to their suspected involvement with a marihuana production facility. The number of suspects involved in previous drug offences, particularly marihuana production, has increased since 2000, suggesting that many of the suspects are setting up another grow operation after they are initially caught. This will be explored in future research by the authors, examining the number of repeat offenders over the seven-year study period and the effect that the action taken by the criminal justice system has had on these offenders.

TABLE 4.3: COMPARISON BY ETHNIC AFFILIATION OF THE CRIMINAL HISTORIES OF SUSPECTS INVOLVED IN MARIHUANA CULTIVATION OFFENCES IN BRITISH COLUMBIA 1997-2003

<i>Characteristic of suspects criminal record considered</i>	<i>Suspects of Marihuana Cultivation</i>		
	All suspects	Non-Vietnamese	Vietnamese origin
Average length of criminal history	13 yrs	14 yrs	6 yrs
Average number of prior convictions	7	7	3
Percentage with prior drug convictions	57 %	59 %	54 %
Percentage with prior conviction for possession for the purpose of trafficking	27 %	27 %	33 %
Percentage with a prior marihuana cultivation conviction	22 %	22 %	27 %
Percentage with conviction for violent offence	41 %	43 %	23 %
Percentage with conviction for non-compliance offences*	28 %	30 %	16 %
Average number of jurisdictions in which suspects were convicted	2.3	2.5	1.5
Percentage of suspects convicted in Ontario, the most frequent province other than BC where suspects were previously convicted	11 %	10 %	20 %

* Non-compliance offences: (e.g., failure to appear, breach of probation, escape, parole violation, etc.).

Chapter 5

Action Taken

This chapter explores the criminal justice system's response to marihuana growing operations over the seven-year study period. Data on searches and seizures of growing operations, police charging of suspects, and court dispositions are discussed in order to better understand the way in which the system reacted to marihuana cultivation. An important caveat is that data could only be collected in cases where information was known at the time of data collection.

Searches and Seizures

Not all searches and seizures of marihuana growing operations have the same results. In most founded cases, police officers seize and dispose of all plants, harvested marihuana, and growing equipment from the location. However, differences occur in how suspects are dealt with. In some cases, after the equipment and marihuana is seized, no further action is taken against the suspect. These “no case” seizures are based upon police discretion and have been constantly increasing since 1997.

As indicated by table 5.1, more than half of all cases in the seven-year study period where marihuana was seized were dealt with as “no case” seizures. As in the previous study (Plecas et al. 2002), “no case” seizures were considerably less likely in cases where a suspect was present (35%). The number of plants present in a growing operation also effected the likelihood that a search would result in a “no case” seizure (see Table 5.2). Close to two thirds (64%) of cases with less than 10 plants resulted in a “no case” seizure. This percentage drops consistently as you increase the size of the growing operation. At the same time, it was found that different

police jurisdictions use “no case” seizures at widely varying rates, ranging from 0 to approximately 75 % of all founded incidents.

TABLE 5.1: PERCENTAGE OF FOUNDED MARIHUANA CULTIVATION CASES CLASSIFIED AS ‘NO CASE’ SEIZURES IN BRITISH COLUMBIA 1997-2003

<i>Year</i>	<i>Percentage Which Were “No Case” Seizures*</i>	
	All founded cases	Founded cases where a suspect was identified
1997	35 %	23 %
1998	50 %	36 %
1999	43 %	30 %
2000	48 %	34 %
2001	62 %	38 %
2002	66 %	45 %
2003	64 %	42 %
Overall average	54 %	35 %

* All percentages have been rounded to the nearest whole number.

TABLE 5.2: PERCENTAGE* OF FOUNDED CASES THAT WERE CLASSIFIED AS ‘NO CASE’ BY THE NUMBER OF MARIHUANA PLANTS SEIZED IN BRITISH COLUMBIA 1997-2003

<i>Year</i>	<i>Percentage* Which Were “No Case” seizures</i>			
	<10 plants seized	10–49 plants seized	50–99 plants seized	100+ plants seized
1997	48 %	29 %	14 %	11 %
1998	59 %	42 %	29 %	21 %
1999	63 %	39 %	25 %	17 %
2000	70 %	37 %	32 %	23 %
2001	63 %	43 %	43 %	29 %
2002	71 %	54 %	52 %	36 %
2003	82 %	54 %	39 %	32 %
Overall average	64 %	41 %	33 %	25 %

* All percentages have been rounded to the nearest whole number.

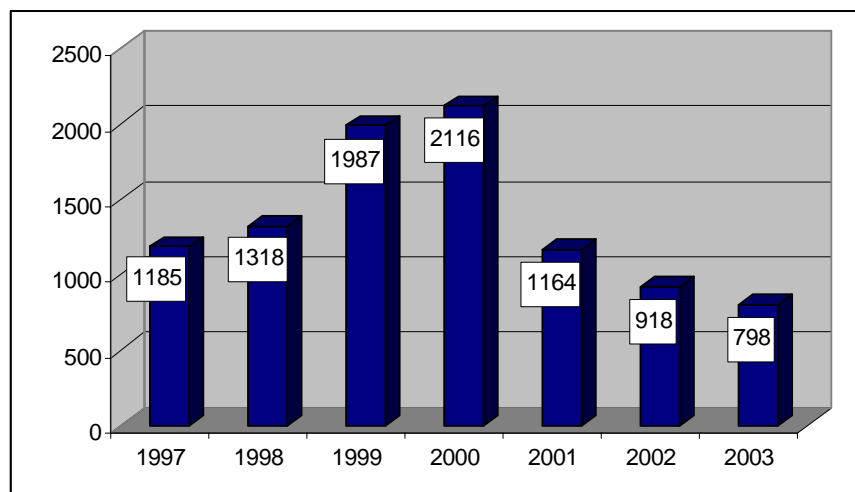
As indicated by Table 5.3, from 1997 through 2003, there was a consistently decreasing percentage of cases in which charges were laid. The number of cases where charges were laid dropped to 76% in 2003 from over 90% in 1997 through 2001. Figure 5.1 clearly demonstrates how the actual number of suspects charged has also dropped in 2001 through 2003. This is, however, relative to the decreasing number of suspects present at founded growing operations since 2001. Over the seven-year period of study, 9486 suspects in marihuana growing operations have been charged.

TABLE 5.3: PERCENTAGE* OF FOUNDED CASES THAT WERE NOT CLASSIFIED ‘NO CASE’ WHERE CROWN LAID CHARGES IN BRITISH COLUMBIA 1997-2003

<i>Year</i>	<i>Percentage* of Cases in Which Charges Were Laid</i>	<i>Actual # of Cases in Which Charges Were Laid</i>
1997	96 %	682
1998	94 %	717
1999	94 %	997
2000	94 %	1153
2001	92 %	824
2002	89 %	633
2003	76 %	553
Overall average	91 %	5559

* All percentages have been rounded to the nearest whole number.

FIGURE 5.1: NUMBER OF SUSPECTS CHARGED IN BRITISH COLUMBIA 1997-2003



Charges

If a founded growing operation does not become classified as a “no case” seizure, a report is submitted to Crown Counsel. Once a Crown Counsel report is submitted, the likelihood of formal charges being laid against one or more of the suspects is very high (91%). During the seven-year research period, 6,109 cases resulted in at least one charge being laid. The total number of charges relating to marihuana cultivation is presented in Table 5.4. All charges show a substantial decrease since 2001, due, in large part, to the increasing number of “no case” seizures.

TABLE 5.4 TOTAL NUMBER OF CHARGES RELATING TO MARIHUANA CULTIVATION INCIDENTS IN BRITISH COLUMBIA 1997-2003

<i>Charge</i>	<i>Charges laid in relation to marihuana cultivation incidents</i>							
	1997	1998	1999	2000	2001	2002	2003	Overall
Production/cultivation	1113	1241	1900	2028	1063	843	732	8920
P.P.T.*	835	992	1539	1626	819	659	531	7001
Simple possession	240	210	262	235	156	100	85	1288
Theft of electricity	177	137	348	432	182	154	81	1511
Firearms	100	112	107	100	36	34	22	511
Other Criminal Code	102	67	144	90	64	74	53	594
Total	2567	2759	4300	4511	2320	1864	1504	19,825

* Possession for the purpose of trafficking.

As illustrated in Table 5.5, the majority of the 9,486 suspects charged in British Columbia in relation to marihuana cultivation were given a primary charge of marihuana production (S.7 C.D.S.A). In the overwhelming majority (84%) of the cases, production was attended by other charges; the most frequent of these being possession for the purpose of trafficking. Only 194 suspects during the study period were charged solely with simple possession of marihuana. The average number of plants in the cases with a sole charge of possession was 83.

TABLE 5.5 PERCENTAGE OF CHARGED SUSPECTS BY TYPE OF CHARGES: MARIHUANA CULTIVATION OPERATIONS IN BRITISH COLUMBIA 1997-2003

<i>Charge</i>	<i>Percentage* of offenders charged</i>		
	By offence	In addition to a production charge	One offence and no other
Production	94 %	-	16 %
P.P.T.***	74 %	71 %	2 %
Simple possession	14 %	11 %	2 %
Theft of electricity	16 %	16 %	0 %**
Firearms	5 %	5 %	0 %**
Other Criminal Code	6 %	5 %	0 %**

N = 9486

* All percentages have been rounded to the nearest whole number.

** When combining theft, firearms related offences, and other Criminal Code offences, the total number of such of charges is 63, which is less than 1% of the total.

*** Possession for the purpose of trafficking

Due to the time frame of this research and the fact that not all suspects had completed their court appearance, 33% of the total number of charges (n= 6,487) were not yet disposed of at time of data collection. Therefore, the following analysis is based on 13,329 charges laid that had received a disposition at the time of data collection. These charges involved a total of 6,487 offenders.

Dispositions

If criminal charges were laid by Crown Counsel, in slightly less than half of the time (44%), the suspect received a stay of proceedings (see Table 5.6). Moreover, there does not appear to be a substantial difference in the likelihood of having all charges stayed based upon the number of charges laid. Gender appears to have an effect on the likelihood of receiving a stay of proceedings. As seen in Table 5.7, female suspects have their charges stayed two times as often as male suspects. As reported in the Plecas et al. (2002) study, in cases with multiple suspects, charges were maintained against the male suspects and stayed for the female suspect(s). In the current study, in cases where a female was the only suspect, the proceedings were stayed in 33% of the cases, whereas only 22% of the cases were stayed for male suspects.

TABLE 5.6: PERCENTAGE OF SUSPECTS WHOSE CHARGES WERE STAYED: MARIHUANA CULTIVATION CASES IN BRITISH COLUMBIA 1997-2003

<i>Number of charges faced by suspect</i>	<i>Percentage* of suspects** and stay of proceedings</i>		
	All charges stayed	Only some charges stayed	None of the charges stayed
One charge	42 %	--	58 %
Two charges	46 %	42 %	12 %
Three charges	43 %	48 %	9 %
Four charges	48 %	46 %	6 %
Five charges	35 %	59 %	6 %
Six charges	0 %	0 %	100 %
Total suspects	44 %	36 %	20 %

* All percentages have been rounded to the nearest whole number.

** Includes only suspects in cases where charges had been disposed of at the time of data collection.

TABLE 5.7: GENDER OF SUSPECTS IN WHOSE CASE PROCEEDINGS HAVE BEEN STAYED WITH RESPECT TO ALL CHARGES IN MARIHUANA CULTIVATION CASES IN BRITISH COLUMBIA 1997-2003

<i>Number of charges faced by suspects</i>	<i>Percentage* of suspects** for whom all charges were stayed</i>		
	Males	Females	Overall
One charge	34 %	66 %	42 %
Two charges	37 %	74 %	46 %
Three charges	35 %	70 %	43 %
Four charges	39 %	83 %	48 %
Five charges	17 %	80 %	35 %
Six charges	0 %	0 %	0 %
Overall	36 %	72 %	44 %

* All percentages have been rounded to the nearest whole number.

** Includes only suspects in cases where charges had been disposed of at the time of data collection.

Table 5.8 presents a comparison of action taken on the charges, accused, and files associated with cases approved by Crown Counsel in cultivation cases. A very low percentage (4%) of charges, accused, and files result in not guilty verdicts and only 30% of approved charges resulted in convictions, 52% of the accused connected to those charges were found

guilty. However, 73% of the cases associated with those approved charges resulted in at least one accused being found guilty. In the final analysis, it would appear that Crown Counsel is trading off charges and the involvement of multiple accused to increase the likelihood of securing a conviction in individual cases.

TABLE 5.8: SUMMARY COMPARISON OF ACTION TAKEN ON THE CHARGES, ACCUSED, AND FILES ASSOCIATED WITH CASES APPROVED BY CROWN COUNSEL IN MARIHUANA CULTIVATION CASES IN BRITISH COLUMBIA 1997-2003

<i>Status</i>	<i>Charges Involved</i>	<i>Accused Involved</i>	<i>Files Involved</i>
Number approved	13,329	6487	4136
Number stayed	8748 (66%)	2863 (43%)	932 (23%)
Number referred to court	4581 (34%)	3624 (56%)	3204 (77%)
Number found not guilty	517 (4%)	230 (4%)	173 (4%)
Number resulting in conviction	4064 (30%)	3364 (52%)	3008 (73%)

*Percentage in brackets represents percentage of number approved.

Chapter 6

SENTENCING

The patterns of sentencing that emerge in relation to marihuana cultivation operations are difficult to accurately interpret. This difficulty is due to a number of complicating factors. The first of these factors, as discussed in Plecas et al. (2002), involves suspects who were accused in relation to their involvement in a marihuana cultivation operation and charged with multiple offences. The initial charges usually include a marihuana production charge, found in 94% of the cases, and a possession for the purpose of trafficking charge, found in 74% of the cases. Other charges often included with marihuana growing operation suspects include simple possession of marihuana, the possession of other controlled substances, theft of electricity, firearm related offences, and various other Criminal Code offences. The second difficulty surfaces because suspects frequently plead guilty to one or more charges, not necessarily the drug production charge, based on an agreement with the Crown. Consequently, some offenders were convicted of only one of the offences that they had originally been charged with, while others were convicted of two or three charges relating to the same marihuana cultivation operation. Another difficulty occurs because convicted offenders often receive multiple dispositions for the various related charges. The last difficulty involves an offender being sentenced to several dispositions for different charges, these sentences could be ordered served either concurrently or consecutively. Despite these difficulties, this chapter makes an effort to clarify the patterns of sentencing involved with marihuana growing operations in British Columbia from 1997 through 2003.

Type and Severity of Penalty Imposed

As shown in Table 6.1, the percentage of sentences that result in custody involving marihuana cultivation cases in British Columbia has dropped since 2000. Conversely, the percentage of conditional sentences has increased from 15% in 1997 to over 40% beginning in 2000. Firearms prohibition orders also increased dramatically from only 5% in 1997 to as high as 62% in 2002. Also, the proportion of conditional or absolute discharges doubled from 4% in 2000 to 8% in 2003.

TABLE 6.1: PERCENTAGE OF CASES WHERE SELECTED PENALTIES WERE AWARDED AS PART OF A SENTENCE FOR ANY OF THE CHARGES INVOLVED IN MARIHUANA CULTIVATION CASES IN BRITISH COLUMBIA 1997-2003

<i>Disposition</i>	<i>Percentage of cases*</i>							
	1997	1998	1999	2000	2001	2002	2003	Overall
Prison	19 %	17 %	19 %	18 %	10 %	9 %	10 %	16 %
Conditional sentence	15 %	26 %	33 %	42 %	45 %	57 %	41 %	34 %
Probation	28 %	27 %	25 %	23 %	25 %	18 %	22 %	25 %
Fine	48 %	46 %	37 %	38 %	44 %	34 %	49 %	42 %
Community service order	5 %	6 %	6 %	9 %	2 %	3 %	2 %	5 %
Restitution	8 %	4 %	7 %	9 %	30 %	27 %	25 %	12 %
Firearms prohibition order	5 %	12 %	34 %	55 %	49 %	62 %	58 %	34 %
Conditional or absolute discharge	3 %	3 %	4 %	4 %	7 %	7 %	8 %	5 %

* All percentages have been rounded to the nearest whole number.

During the seven-year study period, conditional sentences increased. As was the case in the Plecas et al. (2002) study, these sentences were usually accompanied by other penalties. However, Table 6.2 indicates that a conditional sentence was the most serious disposition in 46% of cases in 2003, up from only 13% of cases in 1997. Since the percentage of cases where prison sentences were the most serious disposition has decreased from 18% in 2000 to only 10% in 2003, it would seem that a conditional sentence was being used as an alternative to prison sentences. Probation is utilized in 25% of charges involved in marihuana cultivation cases, however, the percentage of cases where probation was utilized as the most serious sentence

dropped fairly consistently since 1997. Probation, as the most serious sanction, was imposed in only 12% of the cases in 2003, down from 18% in 1997. The use of fines has fluctuated from a low of 34% in 2002 to a high of 49% in 2003 (see Table 6.1). The use of fines as the most serious disposition decreased from 1997 (34%) through 2000 (18%), and then increased in 2001 (26%) and 2003 (32%).

TABLE 6.2: PERCENTAGE OF CASES WHERE PRISON OR ANOTHER PENALTY WAS THE MOST SERIOUS DISPOSITION AWARDED AS PART OF THE SENTENCE IN MARIHUANA CULTIVATION CASES IN BRITISH COLUMBIA 1997-2003

<i>Disposition</i>	<i>Percentage of cases*</i>							
	1997	1998	1999	2000	2001	2002	2003	Overall
Prison	19 %	17 %	19 %	18 %	10 %	9 %	10 %	16 %
Conditional sentence	13 %	32 %	40 %	50 %	49 %	63 %	46 %	40 %
Probation	18 %	18 %	15 %	14 %	15 %	8 %	12 %	16 %
Fine	34 %	30 %	23 %	19 %	26 %	19 %	32 %	26 %
Community service order	0 %	0 %	0 %	0 %	0 %	0 %	0 %	0 %
Restitution	0 %	0 %	0 %	0 %	1 %	1 %	0 %	0 %
Firearms prohibition order	0 %	0 %	4 %	4 %	1 %	2 %	2 %	2 %
Conditional/absolute discharge	1 %	1 %	1 %	0 %	1 %	1 %	0 %	1 %

* All percentages have been rounded to the nearest whole number.

Table 6.3, Table 6.4, and Table 6.5 all illustrate the percentage of cases where a particular penalty was imposed for the offences of marihuana production, possession for the purpose of trafficking, and electrical theft, respectively. The penalties for marihuana cultivation have remained fairly stable over the seven-year study period. One noticeable trend is the reduction in the amount of restitution imposed since 1999 (see Table 6.3). The penalties for possession for the purpose of trafficking have also remained constant with the exception of a consistent increase in the length of conditional sentences and peaks in length of prison sentences in 2001 and 2003 (See Table 6.4). Table 6.5 reports that the penalties for theft of electricity have fluctuated over the seven-year study period, with substantial shifts in the length of conditional sentences (4.8 months in 1997, 16.0 months in 2003) and restitution (\$1,885 in 1997, \$13,046 in 2003). However, these numbers should be interpreted with the knowledge that there is a low number of

cases that receive sentences for theft of electricity, therefore the numbers are susceptible to dramatic fluctuations based on extreme values.

TABLE 6.3: SEVERITY OF PENALTY IMPOSED FOR THE OFFENCE OF MARIHUANA PRODUCTION (C.D.S.A. S. 7) IN RELATION TO MARIHUANA CULTIVATION CASES IN BRITISH COLUMBIA 1997-2003

<i>Type of Disposition</i>	<i>1997</i>	<i>1998</i>	<i>1999</i>	<i>2000</i>	<i>2001</i>	<i>2002</i>	<i>2003</i>	<i>Overall</i>
Prison (months)	3.9	4.2	5.1	5.2	4.7	4.2	4.3	4.9
Conditional Sentence (months)	6.9	7.3	7.1	8.5	8.8	8.4	8.5	7.9
Probation (months)	14.1	13.8	12.9	13.0	11.4	10.3	10.2	12.9
Fine (\$)	\$2,499	\$2,383	\$2,427	\$1,767	\$1,807	\$1,867	\$2,368	\$2,218
Community Service Order (hours)	70	95	66	65	59	104	33	73
Restitution (\$)	\$2,046	\$2,066	\$1,178	\$1,64	\$265	\$609	\$274	\$886

TABLE 6.4: SEVERITY OF PENALTY IMPOSED FOR THE OFFENCE OF POSSESSION FOR THE PURPOSE OF TRAFFICKING (C.D.S.A. S. 5) IN RELATION TO MARIHUANA CULTIVATION CASES IN BRITISH COLUMBIA 1997-2003

<i>Type of Disposition</i>	<i>1997</i>	<i>1998</i>	<i>1999</i>	<i>2000</i>	<i>2001</i>	<i>2002</i>	<i>2003</i>	<i>Overall</i>
Prison (months)	4.2	3.3	5.4	5.2	8.7	3.5	7.5	4.8
Conditional Sentence (months)	7.0	9.3	7.1	8.8	9.0	9.4	12.8	8.7
Probation (months)	13.4	13.8	12.9	11.2	14.6	10.3	10.5	12.9
Fine (\$)	\$2,899	\$2,329	\$2,445	\$1,495	\$1,491	\$765	\$1,591	\$2,075
Community Service Order (hours)	70	118	75	100	100	50	-	88
Restitution (\$)	\$1,525	\$1,792	\$795	\$296	\$266	\$130	\$4,582	\$945

TABLE 6.5: SEVERITY OF PENALTY IMPOSED FOR THE OFFENCE OF THEFT OF ELECTRICITY (C.C.C. S. 326) IN RELATION TO MARIHUANA CULTIVATION CASES IN BRITISH COLUMBIA 1997-2003

<i>Type of Disposition</i>	<i>1997</i>	<i>1998</i>	<i>1999</i>	<i>2000</i>	<i>2001</i>	<i>2002</i>	<i>2003</i>	<i>Overall</i>
Prison (months)	3.7	1.9	2.5	3.8	1.0	6.0	-	2.9
Conditional Sentence (months)	4.8	8.7	8.4	6.6	9.2	10.4	16.0	8.5
Probation (months)	12.7	9.0	15.8	14.0	17.1	10.5	6.0	13.0
Fine (\$)	\$1,294	\$618	\$796	\$840	\$1,477	\$2,126	\$500	\$1,100
Community Service Order (hours)	65	90	-	-	-	50	-	72
Restitution (\$)	\$1,885	\$2,657	\$1,718	\$1,138	\$822	\$3,069	\$13,046	\$1,947

Severity of Penalties and Size of Cultivation Operations

The researchers conducted correlations in order to determine whether the size of growing operation, measured by number of plants seized and the amount of electricity theft, influenced the severity of penalties given. As indicated in Table 6.6, shows that the number of plants seized in a marihuana growing operation has been consistently related to the severity of the penalties imposed in every category except dollar value of restitution awarded. Notably though, it is only this category, restitution value, that is significantly correlated with amount of electricity theft.

TABLE 6.6: ZERO-ORDER CORRELATIONS BETWEEN THE SEVERITY OF THE PENALTIES IMPOSED AND THE SIZE OF THE MARIHUANA CULTIVATION OPERATION - OFFENDERS SENTENCED FOR MARIHUANA CULTIVATION (C.D.S.A. S.7) OPERATIONS IN BRITISH COLUMBIA, 1997-2003

<i>Penalties</i>	<i>Correlation between severity of penalties and</i>	
	Number of plants seized	Amount of electricity theft
Number of months prison awarded	.17*	.12
Number of months conditional sentence awarded	.26*	-.02
Number of months probation awarded	.16*	.14
Dollar value of fines awarded	.16*	.05
Number of hours of community service awarded	.26*	-.05
Dollar value of restitution awarded	.02	.51*

* Correlation is significant at the .05 level.

Severity of Penalty and Offenders' Criminal History

The authors compared the severity of the offenders' criminal history, as measured by the number of previous convictions and the number of previous drug convictions with the severity of the penalty imposed through sentencing. While the length of prison term does not seem consistent with the offenders' previous number of convictions or previous number of drug convictions, the likelihood of receiving a prison sentence does appear related. While the likelihood of receiving a prison term for an offence related to marihuana production was only 16%, this likelihood did increase as the length of criminal history increased (see Table 6.7). However, the length of prison sentence was not systematically affected by the number of prior offences in an offender's criminal history. On the other hand, as Table 6.8 shows, as the number of previous drug offence increased, so did the likelihood of receiving a prison sentence. However, the length of prison sentence was not consistently related to the number of previous drug convictions.

TABLE 6.7: PERCENTAGE OF THE OFFENDERS WHO RECEIVED A PRISON TERM FOR MARIHUANA PRODUCTION (C.D.S.A. S.7) AND AVERAGE LENGTH OF PRISON TERMS, BY AN OFFENDERS' NUMBER OF PREVIOUS CRIMINAL CONVICTIONS OF ANY TYPE IN BRITISH COLUMBIA 1997-2003

<i>Offenders' number of previous convictions</i>	<i>Percentage* of convicted offenders sentenced to prison</i>	<i>Average length of prison term (in months)</i>
None	13 %	4.0
1	8 %	6.2
2	12 %	5.1
3	13 %	7.1
4	18 %	4.1
5	17 %	7.9
6	24 %	7.4
7	22 %	3.0
8	24 %	6.8
9 or more	27 %	5.3
All offenders	16 %	5.0

* All percentages have been rounded to the nearest whole number.

TABLE 6.8: PERCENTAGE OF OFFENDERS WHO RECEIVED A PRISON TERM FOR MARIHUANA PRODUCTION (C.D.S.A. S.7) AND AVERAGE LENGTH OF PRISON TERMS, BY OFFENDERS' NUMBER OF PREVIOUS CONVICTIONS FOR DRUG TRAFFICKING OR PRODUCTION RELATED OFFENCES IN BRITISH COLUMBIA 1997-2003

<i>Offenders' number of previous drug related convictions*</i>	<i>Percentage** of convicted offenders sentenced to prison</i>	<i>Average length of prison term (in months)</i>
1	11 %	5.0
2	19 %	5.1
3	24 %	7.1
4	27 %	4.1
5	43 %	7.9
6	31 %	7.4
7	25 %	3.0
8	43 %	6.8
9 or more	54 %	10.7
All offenders	30 %	5.7

* Refers to drug trafficking, cultivation, or production related convictions.

** All percentages have been rounded to the nearest whole number.

Table 6.9 compares offenders' criminal history and length of prison term for cultivation charges with the size of the marihuana cultivation operation measured by the number of plants. The offenders' likelihood of being sentenced to prison is significantly affected by whether they were involved in a growing operation where more than 100 plants were seized. This finding is constant regardless of criminal history. Similarly, the length of the prison term is also related to the number of plants seized. Again, this finding is consistent regardless of the offender's criminal history. In the Plecas, et al. (2002) this multivariate relationship produced a similar relationship.

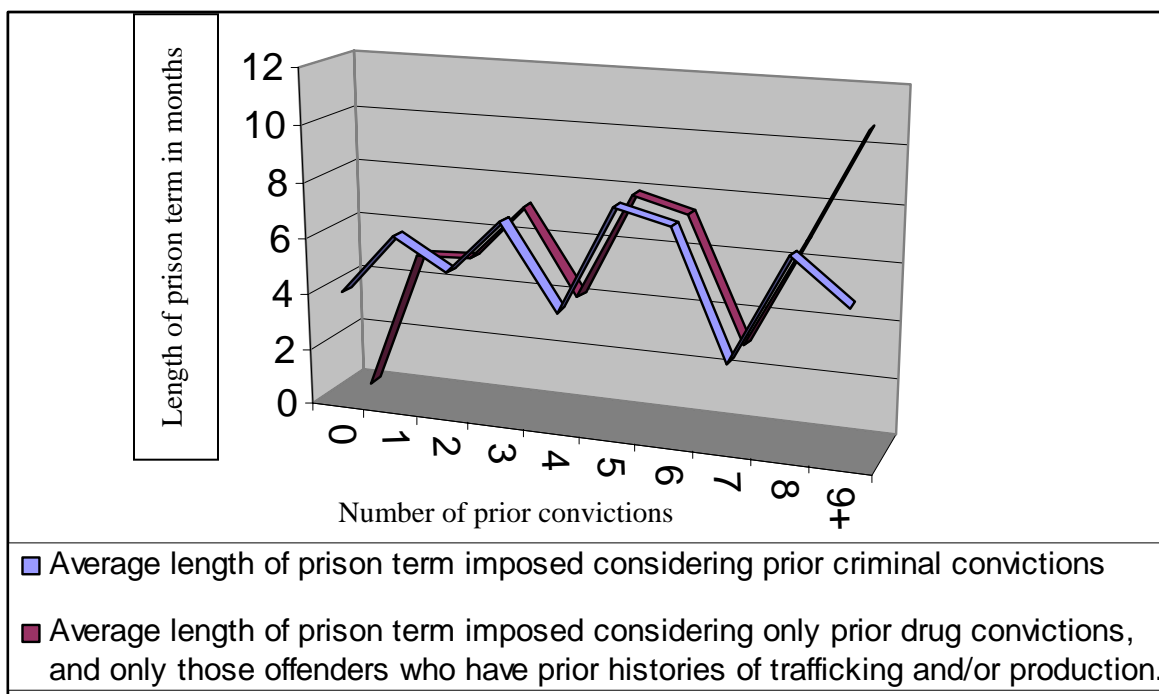
TABLE 6.9: PERCENTAGE OF OFFENDERS SENTENCED TO A PRISON TERM AND AVERAGE LENGTH OF PRISON FOR A CULTIVATION CHARGE (C.D.S.A. S.7) BY SIZE OF THE MARIHUANA CULTIVATION OPERATION IN BRITISH COLUMBIA 1997-2003

<i>Offenders' number of prior convictions</i>	<i>Cases involving less than 100 plants</i>		<i>Cases involving 100 plants or more</i>	
	Percentage* of offenders sentenced to a prison term	Average length of prison terms	Percentage* of offenders sentenced to a prison term	Average length of prison terms
None	8%	3.3	15 %	4.7
1-4 convictions	8%	4.1	12 %	4.6
5-7 convictions	14 %	5.2	20 %	6.1
More than 7 convictions	17 %	4.8	29 %	5.8

* All percentages have been rounded to the nearest whole number.

Figure 6.1 graphically depicts the information presented in Table 6.7 and Table 6.8. As can be seen, to some extent criminal history has an inconsistent effect on the length of prison sentence a suspect receives for a crime related to a marihuana growing operation.

FIGURE 6.1: AVERAGE LENGTH OF PRISON TERM IMPOSED IN MARIHUANA CULTIVATION CASES IN BRITISH COLUMBIA 1997-2003



In terms of sentencing, it is interesting to look at what would have happened to convicted marihuana growers in British Columbia if they had been sentenced in Washington State, where sentencing guidelines are in place. Under Washington State sentencing guidelines, 49% of the suspects convicted on marihuana production in British Columbia would have been sentenced to at least five years in prison (see Table 6.10). In British Columbia, no person was sentenced to five years or more in prison. Moreover, under the guidelines, 77% of suspects would have served a sentence of at least three months in prison. In British Columbia, only 7% of prison sentences were for three months or more. Given that there are hardly any marihuana grow operations in Washington State, and given that British Columbia has thousands of grow operations every year, it is difficult not to wonder if British Columbia might not be more effective in reducing the incident of grow operations by increasing penalties for individuals convicted for involvement in marihuana growing operations. In the final analysis, the consequences for involvement in a grow operation in British Columbia, even where a person receives a prison sentence, are likely insufficient to reduce or prevent participation in marihuana grow operations.

TABLE 6.10: PRISON SENTENCES THAT WOULD HAVE BEEN AWARDED UNDER SENTENCING GUIDELINES SIMILAR TO THOSE IN FORCE IN THE STATE OF WASHINGTON AS COMPARED TO SENTENCES IMPOSED IN BRITISH COLUMBIA: OFFENCES RELATED TO MARIHUANA CULTIVATION OPERATIONS IN BRITISH COLUMBIA 1997-2003*

<i>Sentencing Range**</i>	<i>Percentage*** of offenders would have received prison sentence within range</i>	<i>Percentage of offenders whose actual prison sentence in BC fell within range</i>
Minimum 20 years	1 %	0 %
Minimum 10 years	16 %	0 %
Minimum 5 years	32 %	0 %
3 months – less than 5 years	28 %	7 %
0 – less than 3 months	23 %	93 %

* Includes only cases where at least one plant was seized and there was a conviction for marihuana cultivation.

** Note that under the Washington State Sentencing Guidelines, all prison sentences are accompanied by 12 months of community supervision. Washington State guidelines assessment here ignores enhancements concerning volume of drugs, weapons, and location of seizures. It also ignores prior trafficking and production offences.

*** All percentages have been rounded to the nearest whole number.

INCIDENT FORM

Var. #	Code	Variable Description and Values
1		ID # (Use assigned numbers)
2		File Year (1=1997, 2=1998, 3=1999, 4=2000, 5=2001, 6=2002, 7=2003)
3		File Number
4		Police Force/Detachment (Use code sheet)
5		Street Number
6	Street Name:	
7	- -	Date offence reported (dd-mm-yy)
8	- -	Date offence attended (dd-mm-yy)
9		Time elapsed (days)
10		Source of complaint
11		Status of complaint (1=founded, 2=unfounded, 3=no action, 4=other, 5= founded but too late)
12		Type of facility
13		Rented (1=rented, 2=owned, 3=Crown, 4=other, 5=don't know)
14		Number of marihuana plants seized
15		Number of kg of marihuana seized
16		Other drugs seized (0=none, 1=cocaine, 2=heroin, 3=other)
17		Firearms seized (0=none, 1=prohibited, 2=restricted, 3=other, 4=mix)
18		Other weapons seized (1=yes, 0=no)
19		Equipment seized (1=yes, 0=no)
20		Number of lights seized
21		Amount of cash seized (Nearest C\$, 1US\$=1.5C\$)
22		Number of children present
23		Fire involved (1=yes, 0=no, D.K.=3)
24		Other hazards present (1= booby trap, 2=explosive, 3=toxin, 4 =other, 5=mix)
25		Guard dog present (1=yes, 0=no, 3=DK)
26		Presence of hydro by-pass (1=yes, 0=no)
27		Amount of theft of Hydro (In Cdn \$ - to nearest dollar)
28		Use of violence at time of arrest (1=yes, 0=no)
29		Type of seizure (1=case, 2=no case)
30	- -	Date of report to the Crown (dd-mm-yy)
31		Charges laid by Crown (1=yes, 0=no)
32		Number of suspects

Source of Complaint

1 = crime stoppers/informant
 2 = routine check
 3 = serving a warrant
 4 = landlord
 5 = other crime
 6 = general investigation
 7 = BC Hydro
 8 = other
 9 = missing
 10 = neighbour
 11 = traffic violation /incident

Type of facility

1 = house
 2 = apartment/multiple units
 3 = warehouse/commercial
 4 = detached building e.g. shed, barn.
 5 = outdoors - Private
 6 = outdoors - Crown land
 7 = vehicle
 8 = other
 9 = missing

Conversions

1000 gm = 1 kg
 28 gm = 1 oz
 450 gm = 1 lb.

REMARKS


SUSPECT SHEET

ID# _____

Number	Code	Variables Description and Values
1		Surname:
2		First given name:
3		Second given name:
4		Number of aliases
5	- -	D.O.B. (dd-mm-yy)
6		Place of birth (town/city)
7		Gender (1=male, 2=female)
8		Ethnicity
9		Citizenship (1=Canadian, 2= Other)
10		FPS Number
11		Production charge - CDSA s.(7) (1= charged, 2=stay, 3=not guilty, 4=guilty), 5= warrant before charge, 6= warrant after charge
12		Prison (No. of months)
13		Conditional Prison (No. of months)
14		Probation (No. of months)
15		Fine (\$ amount)
16		Community service order (No. of hours)
17		Restitution (\$ amount)
18		Prohibition order (1=yes, 0=no)
19		Conditional or absolute discharge (1=yes, 0=no)
20		Poss. for trafficking – CDSA s.(5) (1= charged, 2=stay, 3=not guilty, 4=guilty)
21		Prison (No. of months)
22		Conditional Prison (No. of months)
23		Probation (No. of months)
24		Fine (\$ amount)
25		Community service order (No. of hours)
26		Restitution (\$ amount)
27		Prohibition order (1=yes, 0=no)
28		Conditional or absolute discharge (1=yes, 0=no)
29		Simple possession – CDSA s.(4) (1= charged, 2=stay, 3=not guilty, 4=guilty)
30		Prison (No. of months)
31		Conditional Prison (No. of months)
32		Probation (No. of months)
33		Fine (\$ amount)
34		Community service order (No. of hours)
35		Restitution (\$ amount)
36		Prohibition order (1=yes, 0=no)
37		Conditional or absolute discharge (1=yes, 0=no)
38		Theft of Hydro - CCC s.326 (1= charged, 2=stay, 3=not guilty, 4=guilty)
39		Prison (No. of months)
40		Conditional Prison (No. of months)
41		Probation (No. of months)
42		Fine (\$ amount)
43		Community service order (No. of hours)
44		Restitution (\$ amount)
45		Prohibition order (1=yes, 0=no)
46		Conditional or absolute discharge (1=yes, 0=no)
47		Firearms charges – CCC ss.84-96 (1= charged, 2=stay, 3=not guilty, 4=guilty)
48		Prison (No. of months)
49		Conditional Prison (No. of months)
50		Probation (No. of months)
51		Fine (\$ amount)
52		Community service order (No. of hours)
53		Restitution (\$ amount)
54		Prohibition order (1=yes, 0=no)
55		Conditional or absolute discharge (1=yes, 0=no)
56		Other Criminal Code (1= charged, 2=stay, 3=not guilty, 4=guilty)
57		Criminal Code Section Number
58		Prison (No. of months)
59		Conditional Prison (No. of months)
60		Probation (No. of months)
61		Fine (\$ amount)
62		Community service order (No. of hours)
63		Restitution (\$ amount)
64		Prohibition order (1=yes, 0=no)
65		Conditional or absolute discharge (1=yes, 0=no)

Ethnicity:
1= Caucasian
2=Oriental (except Vietnamese)
3=East Indian
4=Black/African
5=Aboriginal
6=Other
7=Vietnamese

CRIMINAL HISTORY

VAR #	ASSIGNED CODE	VARIABLE DESCRIPTION AND VALUES
1.		ID #
2.		ID # Suspect
3.		Year of first offence (actual year)
4.		Type of prior drug offences 
5.		Number of prior drug offences
6.		Number of violent offences
7.		Number of prior non-compliance
8.		Number of prior offences
9.		Total number of stays
10.		Number of jurisdictions on criminal record
11.		Most frequent jurisdiction on record
12.		Number of provinces on record
13.		Most frequent province on record
14.		Year of first offence in B.C.
15.		Year of cultivation # 1 (most recent)
16.		Jurisdiction of cultivation #1
17.		File # of cultivation # 1
18.		Year of cultivation # 2
19.		Jurisdiction of cultivation # 2
20.		File # of cultivation # 2
21.		Year of cultivation # 3
22.		Jurisdiction of cultivation # 3
23.		File of cultivation # 3
NOTES		

1 = possession
2 = trafficking
3 = cult/prod.
4 = 1 & 2
5 = 1 & 3
6 = 2 & 3
7 = 1,2 & 3