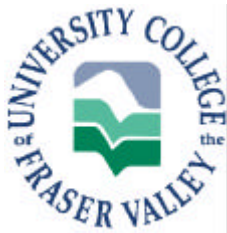


MARIHUANA GROWING OPERATIONS IN BRITISH COLUMBIA

**AN EMPIRICAL SURVEY
(1997-2000)**

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Chapter 1

Introduction

It is no longer “breaking news” that marihuana growing operations or, “grow ops”, have become a major concern in British Columbia in the press, among the public and, of course, among those involved in law enforcement and the administration of justice. In terms of numbers alone, according to Statistics Canada, cases of marihuana cultivation in this province accounted for over 40% of all known incidents in the country. Despite this widespread concern, however, up to this point in time, no comprehensive analysis of the nature and scope of the problem has been undertaken on a province-wide basis. This document reports the findings of just such an investigation.

According to the report *Canadian Crime Statistics 2000*¹ published by the Canadian Centre for Justice Statistics, three quarters of all drug offences known to the police in Canada in 2000 involved marihuana, and 14% of those were cultivation offences. What is frequently noted as a cause of concern to British Columbians is the fact that 44% of all of marihuana cultivation incidents reported to Statistics Canada by the police during 2000 took place in British Columbia. *Table 1.1* and *Map 1.1* presents the national data on marihuana cultivation cases by province and territory. According to these national statistics, the rate of these offences per 1,000 population for the province of British Columbia (i.e., 0.98) was more than three times the national rate (i.e., 0.29).

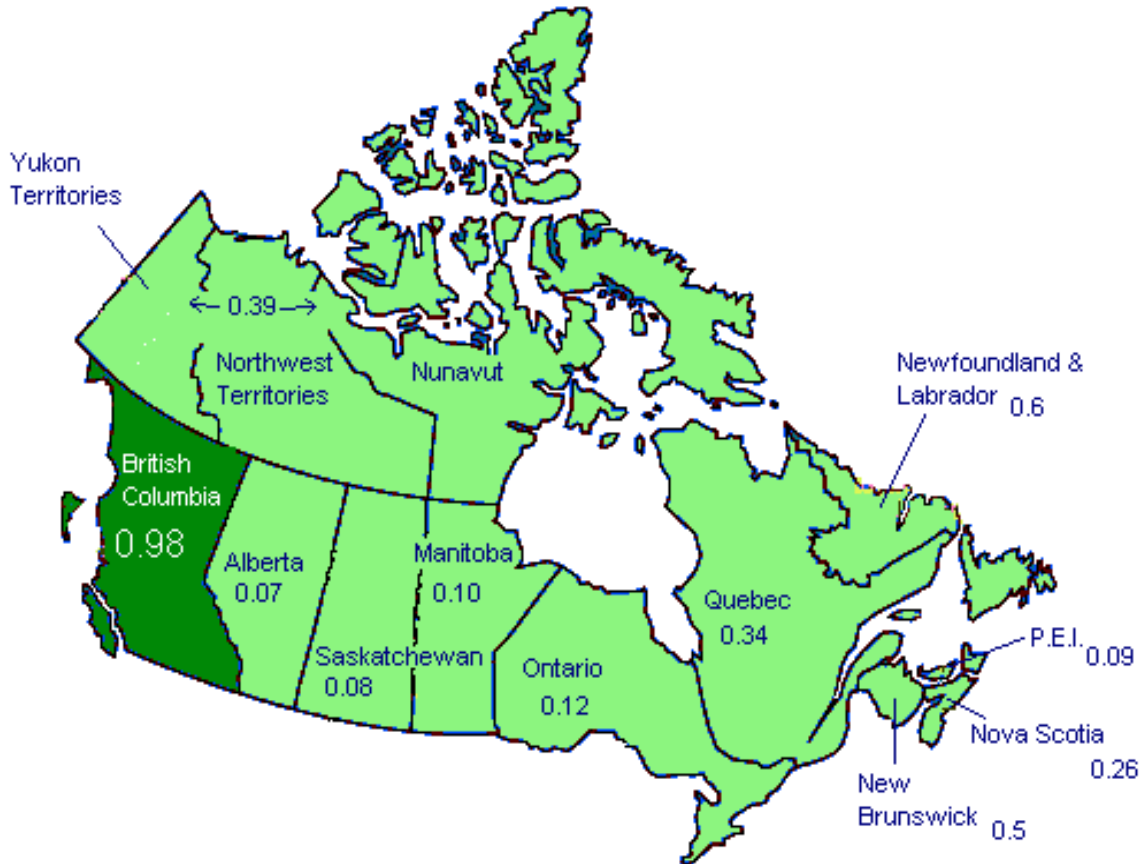
**Table 1.1: Marihuana Cultivation Incidents by Province
British Columbia, 2000**

	NFLD	PEI	NS	NB	PQ	ON	MB	SK	AB	BC	TERR	CANAD A
Frequency	30	13	244	379	2518	1445	116	86	224	3974	12	9041
Percentage of total	0.33	0.14	2.70	4.19	27.8 5	15.9 8	1.2 8	0.9 5	2.48	43.9 6	0.13	99.99
Rate/ 1,000 population	0.06	0.09	0.26	0.50	0.34	0.12	0.1 0	0.0 8	0.07	0.98	0.39	0.29

Source: CCJS; Canadian Crime Statistics 2000 Catalogue Number: 85-205

¹ Canadian Centre for Justice Statistics (2001). *Canadian Crime Statistics 2000*. Ottawa: Statistics Canada, December 2001, Catalogue no. 85-205. See also: Ministry of Attorney General (2000). *Police and Crime Statistics, Summary Statistics 1990 - 1999*. Victoria: Police Services Division, Public Safety and Regulatory Branch, Ministry of Attorney General, British Columbia.

Map 1.1: Rate Per 1,000 Population of Marihuana Cultivation Incidents in Canada in 2000



A preliminary study conducted in 2000 confirmed the widely held perception in British Columbia that the number of marihuana cultivation operations was increasing rapidly throughout the province and, in particular, in the Lower Mainland and on Vancouver Island². This preliminary study indicated that the increase in the number of marihuana growing operations coming to the attention of the police each year was not the result of increased proactive efforts on behalf of the police to detect the operations, since the initial police activity was in response to complaints from members of the community, and was initiated in most instances following information received from landlords, neighbors and various anonymous complainants. The study also showed that the cultivation operations were not only becoming more numerous, but also larger and more sophisticated. The current crisis, it seemed, is likely the result of the combined effects of a number of factors, and chief among them, of course, is the fact that huge illicit profits can be generated with little apparent risk and a minimum investment.

The observed increase in both the number and size of marihuana growing operations in British Columbia is due largely to the extremely high profits that can be quickly made by an average size marihuana growing operation. Such an operation can be set up very easily, with a fairly small investment of capital, and can produce a first crop within three months or so. The profits

² CHIN, V., DANDURAND, Y., PLECAS, D., and T. SEGGER (2001). *The Criminal Justice Response to Marihuana Growing Operations in B.C.*, Abbotsford/Vancouver: The Department of Criminology and Criminal Justice, University College of the Fraser Valley, and the International Centre for Criminal Law Reform and Criminal Justice Policy, January 2001.

generated by the sale of a single crop are often totally out of proportion with the size of the grower's investment and the limited risks involved in running the operation. Nevertheless, the rapid growth in the overall size of this illicit industry in British Columbia is most often explained as a direct consequence of the relative impunity that marihuana growers enjoy in the province. There is of course no way of finding out exactly how many marihuana growing operations there are in the province or in a given police jurisdiction. It is clear, however, that in many communities, the problem has become endemic and has provoked severe crises for them as well as serious challenges for law enforcement agencies. There is also mounting concern, particularly among law enforcement officials, that the increased criminal activity is the result of the involvement of organized criminal groups and their tightening control over the industry. There is growing evidence that criminal organizations have been moving their marihuana growing operations from other parts of the country, or from neighboring states, to British Columbia. There is concern about how the huge profits realized by marihuana growing operations can be used by organized criminal elements to finance other activities or to illegally control other markets or parts of the local economy. Finally, it is becoming more evident that these organized criminal activities offer an increased threat of violent crime in many of the communities of the province.

Several community-based crime prevention initiatives have been launched throughout the region in concert with various forms of enhanced law enforcement activities. "Snitch lines" and so-called "green teams" or "grow busters" teams have been set up by the police. Public information initiatives have also been launched as well as projects to foster the cooperation of property owners in preventing and detecting marihuana growing operations. Municipal by-laws have been adopted in some communities to put added pressure on property owners to become more diligent in preventing their property from being used for marihuana cultivation. These and other initiatives consume a significant amount of law enforcement and criminal justice resources. Current law enforcement efforts are by all accounts very significant; however, they have yet to produce visible results in British Columbia in terms of reducing the prevalence of these illegal growing operations and effectively disrupting the resulting thriving illicit market. At best, it would seem, they have succeeded in some cases in producing a slight displacement of the problem from one area to another, or from one neighborhood to another.

The present study was conducted jointly by the Department of Criminology and Criminal Justice of the University College of the Fraser Valley and the International Centre for Criminal Law Reform and Criminal Justice Policy, 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 preliminary study mentioned earlier which had focused on only three jurisdictions in the Province of British Columbia. The present study, however, involved the cooperation of every single police jurisdiction in the province and yielded data on all cases of marihuana growing operations that came to the attention of the police in the province between January 1, 1997 and December 31, 2000. The data were collected during the summer of 2001 and analyzed the following fall.

The study was conducted in order to gain a better understanding of the proliferation of marihuana growing operations in British Columbia and to review the current law enforcement and criminal justice response to that problem. The study was designed to: (1) document variations in the prevalence and profile of the marihuana growing operations that came to the attention of the police in British Columbia during the four-year period; and, (2) document the various decisions made in these cases with respect to the investigation, disposition and sentencing of these cases in the province during that period.

METHOD

Based on experience of the first study, it was decided that the current study would capture data for the four-year period of time between January 1, 1997 and December 31, 2000. It was felt that such of period of time would be sufficient to allow the observation of potential changes in the patterns of the operations. It was also felt that most cases originating in 1997, 1998 and 1999 would hold a reasonable prospect of being completed and having reached the sentencing stage. It had been agreed that all R.C.M.P. detachments within the province would participate in the study. Furthermore, the participation of every municipal police department in the province was solicited and obtained by officials of the R.C.M.P. "E" Division.

Based on the revised list of data elements identified during the preliminary study and further consultations with R.C.M.P. and Vancouver Police officials, as well as officials from the Organized Crime Agency of British Columbia and the Police Services Division of the Ministry of the Attorney General, a list was developed of all the data elements to be captured during the data collection phase. Several elements which the preliminary study had shown could not be consistently obtained from police files were eliminated from the list. The list was then used to develop the three data coding instruments which can be found in the *Appendices*, one for each case (*Appendix 1*) and two for each offender involved in a case (*Appendices 2 and 3*).

Researchers visited virtually every R.C.M.P. detachment and municipal police department in the province, a total of 149³, and they physically reviewed every police file⁴ coded as a marijuana cultivation file (according to the OSR Scoring Guide) and manually coded and recorded the information contained therein on the project data gathering and scoring sheets (a few of the 1997 files, less than one hundred, could not be accessed due to a change in the way in which these files were coded by the police for statistical purposes). The information collected from each file included information about the suspect, the location of the alleged growing operation, the nature and origin of the complaint, the police investigation, the size and type of the growing operation, the amount of marijuana involved, the presence of other drugs, the presence of various equipment, decisions made by the prosecution, and the sentencing outcome.

Most operations involved multiple suspects. In every case, the initial suspect-related information collected from police files, such as the suspect's name and aliases, date of birth, or fingerprint sheet (F.P.S.) identification number, was then used to conduct a criminal record check for each suspect and to obtain a copy of the suspect's criminal record. The information on the suspect's criminal record was then coded and related by a unique identifier to the other data collected on each case of marijuana cultivation. At the same time, the criminal record information was also used to verify the information already collected on offenders' case dispositions or sentences in the marijuana growing cases in relation to which they had been identified for the purpose of the study. After the data was collected in the manner described above and a database was created, all information concerning the identity of individual suspects was removed from the researcher's database, and the data collection forms including such information were destroyed. The final database, thus prepared, was analyzed using the statistical analysis program SPSS (version 10.1).

³ Researchers visited 149 locations including: 130 R.C.M.P. detachments (there were only 5 detachments in remote locations that were not attended and that was because it was determined that there were no cases at those locations); 5 R.C.M.P. District Drug offices; all 12 municipal police departments; and 2 Organized Crime Agency of British Columbia offices.

⁴ A very small number of files were excluded mostly because the investigation was still in progress and the security of the sensitive information they contained had to be protected.

Chapter 2

Incidents of Alleged Marihuana Cultivation Coming to the Attention of the Police

According to the present study, the number of alleged incidents of marihuana cultivation that came to the attention of the police in British Columbia between 1997 and 2000 increased by an average of 48% each year. By the year 2000, the number of such incidents was more than three times what it had been in 1997, bringing the provincial rate of these incidents per 1,000 population to 1.18, by far the highest in the country.

A substantial increase in the number of cases was observed in all parts of the province, but was particularly evident in a number of jurisdictions in the Lower Mainland and on Vancouver Island. Ten police jurisdictions from these regions accounted for six out of every ten cases in 2000. The increased volume appears to have been driven mostly by anonymous complaints and complaints by neighbors and landlords. In that sense, law enforcement agencies were mostly responding to complaints received from the public, as opposed to being engaged in proactive efforts to uncover new marihuana cultivation operations. The data collected suggests that the rapid increase in the volume of cases has impaired the ability of some police forces to investigate new cases as expeditiously as they did before the increase, and may even have adversely affected the effectiveness of these investigations.

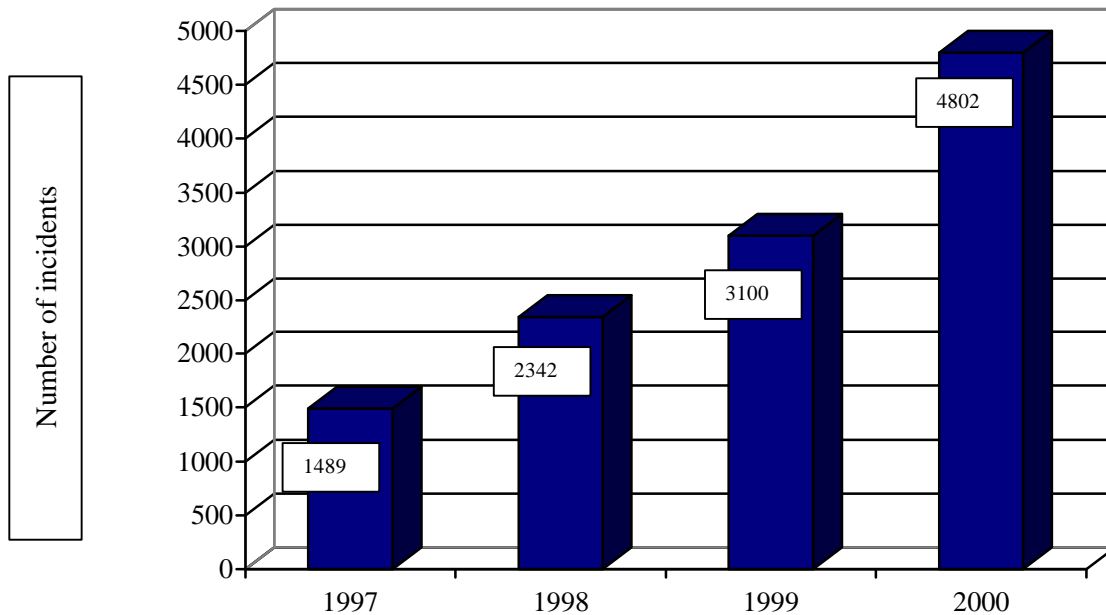
SUSPECTED CASES OF MARIHUANA CULTIVATION

During the four-year period between January 1997 and December 2000, a total of 11,733 distinct incidents of alleged marihuana cultivation came to the attention of the police in the province of British Columbia. Figure 2.1, below, reports the total number of cases of marihuana growing operations for each of the four years. It is readily apparent that the number of incidents increased drastically every year during the period under review, and by an average of 48% each year, (that is 57% in 1998, 32% in 1999, and 55% in 2000). The number of cases in 2000 was more than three times that of 1997. In fact, the 4,802 incidents in 2000 represented an increase of 222% over the number of known incidents in 1997.

Table 2.1, presents data on 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. Eighty one percent of all known cases of marihuana cultivation were found in only two of the eight regions, the Lower Mainland (including Vancouver) and the Vancouver Island/Coast Region. The former, in particular, has seen a spectacular growth (309 %) between 1997 and 2000.

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, 2000⁵

⁵ The frequencies shown in Figure 2.1 exclude a small number files relating to on-going investigations, "information" files, and a number of files from the period between January 1, 1997 and May 30, 1997, which were missed from the review because they were classified under a coding system different from the current one, and the one used to guide the extracting of files for review. The total number of files thus missed was calculated to be less than 100.



N = 11,733

Table 2.1: Number of Cases That Came to the Attention of the Police in British Columbia Between January 1, 1997 and December 31, 2000 (by Development Region and Regional District)

Development Region / Regional District*	1997	1998	1999	2000	Increase since 1997
Greater Vancouver	548	916	1299	2497	356%
Fraser Valley	175	229	298	482	175%
Squamish-Lillooet	13	18	22	33	153%
Mainland/Southwest Overall	736	1163	1619	3012	309%
Comox-Strathcona	84	131	173	212	152%
Sunshine Coast	20	59	52	50	150%
Mount Waddington	6	18	15	15	150%
Cowichan Valley	56	108	130	139	148%
Nanaimo	122	156	218	259	112%
Powell River	0	16	16	19	100%
Alberni-Clayoquot	21	21	25	35	67%
Capital	111	111	150	143	29%
Vancouver Is/ Coast Overall	420	620	779	872	108%
Northern Okanagan	30	53	50	91	203%
Thompson-Nicola	51	114	112	151	196%
Central Okanagan	40	63	90	96	140%
Okanagan-Similkameen	34	42	51	70	105%
Columbia-Shuswap	26	29	39	39	50%
Thompson/Okanagan Overall	181	301	342	447	146%
Fraser-Fort George	27	42	64	155	474%
Cariboo	25	57	50	92	268%
Cariboo Overall	52	99	114	247	375%

Central Kootenay	36	57	114	93	172%
East Kootenay	14	21	23	34	143%
Kootenay Boundary	13	43	52	26	100%
Kootenay Overall	63	121	189	153	150%
Kitimat-Stikine	10	13	12	28	180%
Central Coast	1	2	2	2	100%
Skeena-Qn. Charlotte	7	7	10	6	- 15%
North Coast Overall	18	22	24	36	100%
Bulkley-Nechako	14	8	13	21	50%
Stikine (region)	1	1	2	0	- 100%
Nechako Overall	15	9	15	21	40%
Peace River	4	6	12	7	75%
Northern Rockies	0	1	6	2	100%
Northeast Overall	4	7	18	9	125%
Province Overall	1489	2342	3100	4802	222%

* Source of Regional Districts of British Columbia (1996 Boundaries): Population Section, BC Stats, Ministry of Management Services, Government of British Columbia.

Since the two development regions showing the largest numbers of known cases of marihuana cultivation are also the two most populous regions of the province, an attempt was made to compare the frequency of known cases for the year 2000 proportionally to the size of the population in the various development regions and regional districts. *Table 2.2* and *Table 2.3*, display, for each development region and administrative district of British Columbia, the number of marihuana cultivation cases for the year in relation to the size of the local population.

Table 2.2: Number and Rate Per 1,000 Population of Marihuana Cultivation Cases Known to the Police in 2000 in Each Development Region and Regional District. Number of Cases for Each Region/District Expressed as Percentage of the Total Number of Cases in British Columbia

Development Regions and Regional Districts	Population	Total no. of cases in 2000*	Rate per 1,000 population in 2000*	No. of cases in 2000 as a percentage of total no. of cases in BC	Percentage of the total provincial population
Greater Vancouver	2,009,360	2497	1.24	52.0	49.5 %
Fraser Valley	242,097	482	1.99	10.0	6.0 %
Squamish-Lillooet	36,284	33	0.91	0.7	0.9 %
Mainland/Southwest Overall	2,315,162	3012	1.30	62.7	57.0 %
Nanaimo	134,835	259	1.92	5.4	3.3 %
Comox-Strathcona	105,363	212	2.01	4.4	2.6 %
Capital	334,706	143	0.43	3.0	8.3 %
Cowichan Valley	76,762	139	1.81	2.9	1.9 %
Sunshine Coast	27,421	50	1.82	1.0	0.7 %
Alberni-Clayoquot	33,386	35	1.05	0.7	0.8 %
Powell River	21,112	19	0.90	0.4	0.5 %
Mount Waddington	15,046	15	1.00	0.3	0.4 %
Vancouver Island /Coast Overall	725,538	872	1.20	18.2	17.9 %
Thompson-Nicola	130,092	151	1.16	3.1	3.2 %
Central Okanagan	152,621	96	0.63	2.0	3.8 %
Northern Okanagan	77,630	91	1.17	1.9	1.9 %
Okanagan-Similkameen	80,395	70	0.87	1.5	2.0 %
Columbia-Shuswap	52,936	79	1.49	0.8	1.3 %
Thompson/Okanagan Overall	493,674	447	0.91	9.3	12.2 %

Fraser-Fort George	106,850	155	1.45	3.2	2.6 %
Cariboo	73,492	92	1.25	1.9	1.8 %
Cariboo Overall	180,342	247	1.37	5.1	4.4 %
Central Kootenay	61,752	93	1.51	2.0	1.5 %
East Kootenay	62,240	34	0.55	0.7	1.5 %
Kootenay Boundary	34,040	26	0.76	0.5	0.8 %
Kootenay Overall	158,032	153	0.97	3.3	3.9 %
Kitimat-Stikine	46,803	28	0.60	0.6	1.2 %
Central Coast	4,328	2	0.46	0.1	0.1 %
Skeena-Queen Charlotte	25,493	6	0.24	0.0	0.6 %
North Coast Overall	72,296	36	0.50	0.7	1.8 %
Bulkley-Nechako	45,538	21	0.46	0.4	1.1 %
Stikine (region)	1,489	0	0.00	0.0	0%
Nechako Overall	47,027	21	0.45	0.4	1.2 %
Peace River	60,333	7	0.12	0.1	1.5 %
Northern Rockies	6,429	2	0.31	0.0	0.2 %
Northeast Overall	66,762	9	0.13	0.2	1.6 %
Province Overall	4,058,833	4802	1.18	100	100.0%

* Source of population statistics: Population Section, BC Stats, Ministry of Management Services, Government of British Columbia.

Table 2.3: Marihuana Cultivation Cases Known to the Police in 2000: Rates Per 1,000 Population in Each Development Region and Regional District of British Columbia; Percentage and Direction of Local Rate Variance From Provincial Rate

Development Regions and Regional Districts	Rate per 1,000 population in 2000	Percentage variance from provincial rate of 1.18 per 1,000
Greater Vancouver	1.24	+5.08
Fraser Valley	1.99	+68.64
Squamish-Lillooet	0.91	-22.88
Mainland/Southwest Overall	1.30	+10.17
Nanaimo	1.92	+62.71
Comox-Strathcona	2.01	+70.34
Capital	0.43	-63.56
Cowichan Valley	1.81	+53.39
Sunshine Coast	1.82	+54.24
Alberni-Clayoquot	1.05	-11.02
Powell River	0.90	-23.73
Mount Waddington	1.00	-15.25
Vancouver Island/Coast Overall	1.20	+1.69
Thompson-Nicola	1.16	-1.69
Central Okanagan	0.63	-46.61
Northern Okanagan	1.17	-0.85
Okanagan-Similkameen	0.87	-26.27
Columbia-Shuswap	1.49	26.27
Thompson/Okanagan Overall	0.91	-22.88
Fraser-Fort George	1.45	+22.88
Cariboo	1.25	+5.93
Cariboo Overall	1.37	+16.10
Central Kootenay	1.51	+27.97
East Kootenay	0.55	-53.39
Kootenay Boundary	0.76	-35.59
Kootenay Overall	0.97	-17.80

Kitimat-Stikine	0.60	-49.15
Central Coast	0.46	-61.02
Skeena-Qn. Charlotte	0.24	-79.66
North Coast Overall	0.50	-57.63
Bulkley-Nechako	0.46	-61.02
Stikine (region)	0.00	-100.00
Nechako Overall	0.45	-61.86
Peace River	0.12	-89.83
Northern Rockies	0.31	-73.73
Northeast Overall	0.13	-88.98

As can be seen from *Table 2.2*, the district rates in the Capital (Victoria) District, the Central Okanagan and the Okanagan-Similkameen districts, as well as in all the districts of the Kootenay (except Central Kootenay), North Coast, Nechako, and the Northeast District were significantly lower than the provincial rate. The local rate was significantly higher than the provincial rate in a number of districts, including the Fraser Valley, Nanaimo, Comox-Strathcona, Cowichan Valley, Sunshine Coast, Fraser-Fort George and Central Kootenay.

During the year 2000, the provincial rate per 1,000 population was 1.18, a provincial average which was largely determined by the high rate observed in the Greater Vancouver Regional District which accounted, by itself, for 52% of all the cases in the province. The provincial rate of 1.18 in the year 2000 represented an increase of 53% over the previous year and a total increase of 211% over the four-year period under study (see: *Figure 2.2*).

FIGURE 2.2: Rate Per 1,000 Population of Marihuana Cultivation Incidents Known to Police British Columbia 1997-2000

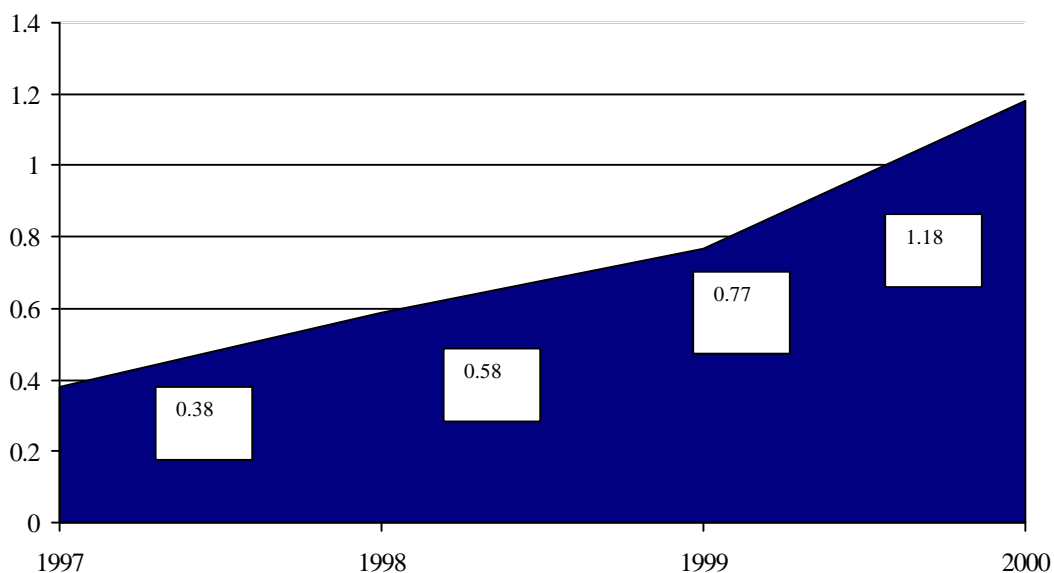


Table 2.4, focuses on the ten jurisdictions with the highest volume of marihuana growing incidents during 2000. These alone accounted for 60% of all the cases that came to the attention of the police in the whole province in the year 2000. On average, each dealt with 290 cases. All have experienced huge increases in the number of cases since 1997. The number of cases in these ten jurisdictions in 2000 was, on average, more than four times what it was in 1997. Nine of these ten jurisdictions are in the Lower Mainland region and the other, Nanaimo, is on Vancouver Island. Vancouver City was the jurisdiction with the largest number of cases, while Delta and Coquitlam experienced the most dramatic increases between 1997 and 2000 of 1,293% and 700% respectively.

Table 2.4: Jurisdictions in British Columbia With Highest Volume of Marihuana Cultivation Files Opened in 2000

RCMP Detachment/ Police Department	Number of cases of marihuana cultivation in 2000	Percentage increase over the four-year period	Number of files as a percentage of all files opened in BC in 2000
Vancouver	663	418 %	13.8 %
Burnaby	454	460 %	9.5 %
Coquitlam	353	700 %	7.4 %
Surrey	317	257 %	6.6 %
Delta	209	1293 %	4.4 %
Nanaimo	199	197 %	4.1 %
Richmond	188	358 %	3.9 %
Abbotsford	181	196 %	3.8 %
Chilliwack	177	200 %	3.7 %
Langley	160	248 %	3.3 %
Average	290	348 %	

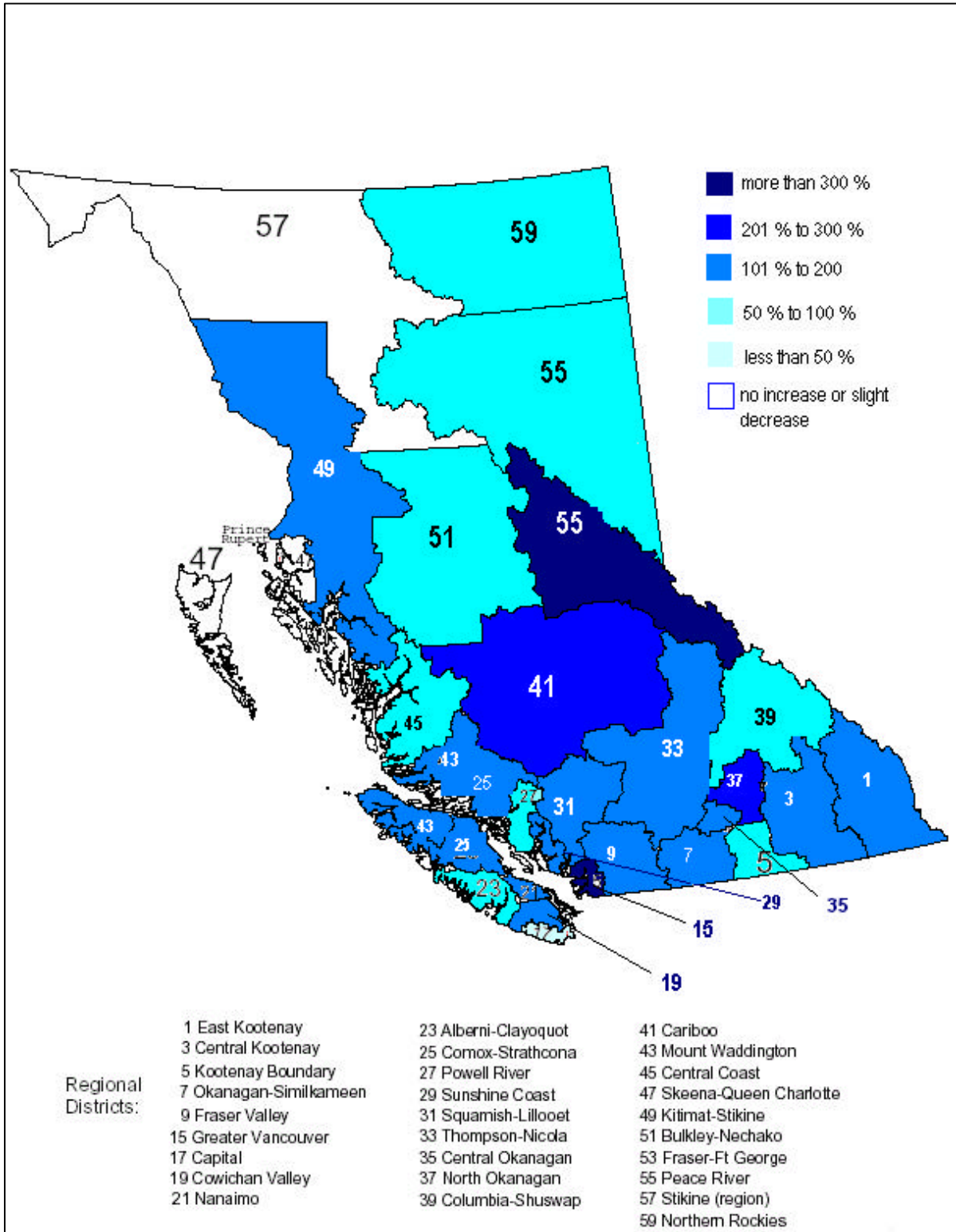
Table 2.5 summarizes some of the same information for the ten police jurisdictions with the highest volume of marihuana cultivation cases in 2000. These account for 60% of all the cases of marihuana growing operations that came to the attention of the police in 2000, a total of 2,901 cases. Five of these jurisdictions have rates that are significantly higher than the provincial rate: Nanaimo (120%), Chilliwack and Burnaby (both twice the size of the provincial rate), Coquitlam (83% more than the provincial rate), and Delta (75% more than the provincial rate).

Table 2.5: Jurisdictions in British Columbia With Highest Volume of Marihuana Cultivation Cases in 2000

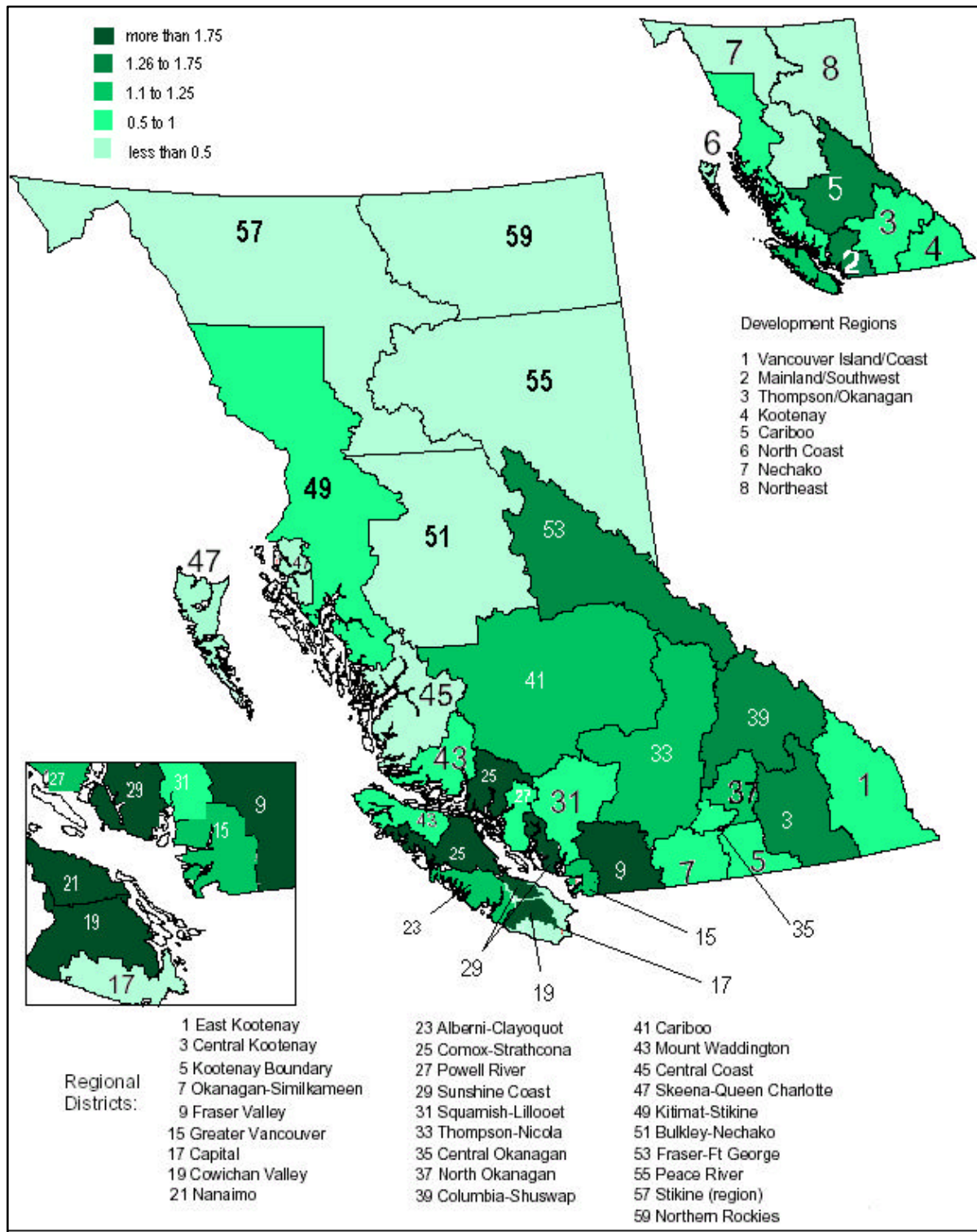
RCMP Detachment or Police Department	Number of cases in 2000	Population	Rate per 1,000 population	Percentage variance from provincial rate
Vancouver	663	565,477	1.17	- 1%
Burnaby	454	192,193	2.36	+ 100%
Coquitlam	353	163,570	2.16	+ 83%
Surrey	317	339,811	0.93	- 21%
Delta	209	101,349	2.06	+ 75%
Nanaimo	199	76,588	2.60	+ 120%
Richmond	188	164,964	1.14	- 3%
Abbotsford	181	115,032	1.57	+ 33%
Chilliwack	177	73,143	2.42	+ 105%
Langley	160	113,547	1.41	+ 19%

Map 2.1 graphically depicts the regional districts within the province, which have known large increases in the number of marihuana cultivation cases during the four-year period. *Map 2.2* shows variations in the rates per 1,000 population in 2000, while *Map 2.3* presents a more detailed picture of that situation in the Greater Vancouver and Fraser Valley areas, where marihuana cultivation offers the greatest challenge to enforcement (i.e., 62% of all known cases in the province are in that particular geographical area).

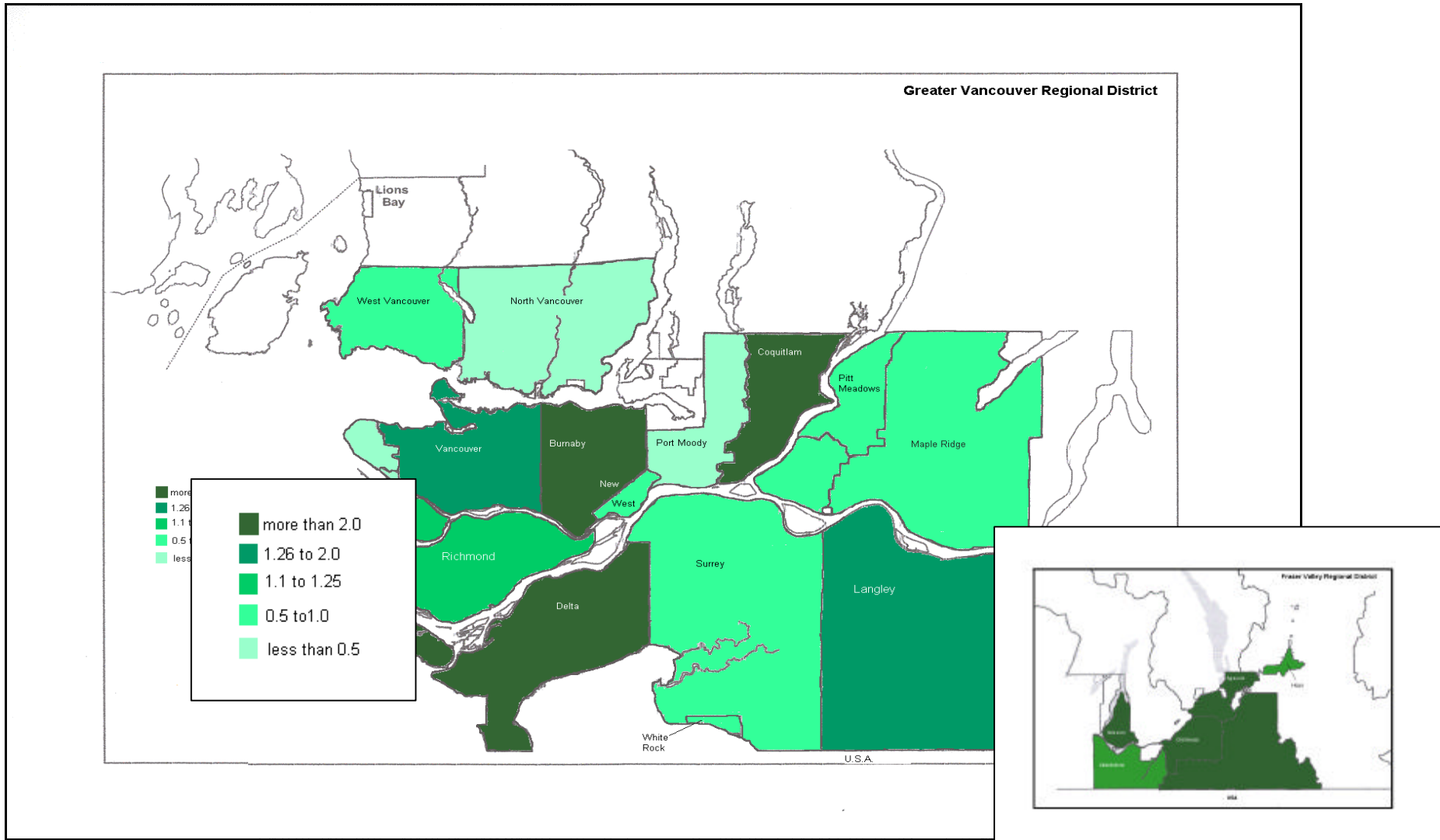
Map 2.1: Increase in Number of Marihuana Cultivation Cases in British Columbia Known to Police Between 1997 and 2000



Map 2.2: Rate Per 1,000 Population of Marihuana Cultivation Cases Brought to the Attention of the Police by Development Region and Regional District of British Columbia in the Year 2000



Map 2.3: Rate Per 1,000 Population of Marihuana Cultivation Cases Brought to the Attention of the Police in the Greater Vancouver and Fraser Valley Region Districts in the Year 2000



SOURCES OF INFORMATION

Suspected incidents of marihuana cultivation came to the attention of the police in a number of ways. The 11,733 files reviewed contained information on the source of that information in 86% of the cases. Based on these cases, it is clear that, in the majority of them, the police became aware of a potential growing operation as a result of an anonymous tip or complaint received, usually by telephone. The other main sources of information in such cases included: complaints by the owner of the property (8%); complaints by a neighbor (4%); reports from B.C. Hydro (4%); cases where the suspected marihuana growing operation came to the attention of the police coincidentally during the investigation of another crime, such as a burglary or a domestic violence occurrence (11%); responding to a fire incident (3%); and while serving a warrant (3%). There were very few cases which came to the attention of the police as a result of proactive investigative work (see *Table 2.6*).

**Table 2.6: Source of the Information Leading to Opening of Marihuana Cultivation
File/Percentage From Each Source by Year
British Columbia 1997-2000**

Source	1997	1998	1999	2000	Overall
Crimestoppers or anonymous informants	55 %	57 %	55 %	59 %	57 %
While responding to other crime	12 %	11 %	12 %	10 %	11 %
Landlord	7 %	7 %	8 %	8 %	8 %
Routine check (including road stops)	5 %	6 %	6 %	5 %	5 %
General investigation	4 %	4 %	6 %	5 %	5 %
BC Hydro	8 %	4 %	4 %	3 %	4 %
Neighbour	3 %	4 %	3 %	6 %	4 %
While serving a warrant	3 %	3 %	4 %	2 %	3 %
Fire	3 %	3 %	3 %	2 %	3 %
Other	0 %	0 %	0 %	0 %	0 %

Note: All percentages have been rounded to the nearest whole number.

Information identifying a type of source was missing from the police file in 14% of all cases.

The percentages presented in *Table 2.6* are fairly constant for each of the four years under review. These numbers lead to the conclusion that, contrary to a frequently held belief, the rapid increase in the volume of cases of marihuana cultivation incidents observed in the province is not due to the proactive efforts of the police, but rather is the result of police forces attempting to respond to a growing number of complaints from the public. The number of cases which are instigated following a complaint of a landlord or a neighbor varies slightly from jurisdiction to jurisdiction and may be affected by a number of factors, including media coverage of recent

incidents or public information campaigns advising landlords and neighbors to be more vigilant. *Table 2.7* shows, for instance how the percentage of situations reported to the police by or on behalf of a landlord varied in seven selected jurisdictions. That percentage was as low as 1.5% in Vancouver, and as high as 19.2% in Penticton.

Table 2.7: Percentage of Marihuana Cultivation Cases in British Columbia That Were Brought to the Attention of the Police by or on Behalf of a Landlord in Selected Jurisdictions, 1997-2000

Jurisdiction	Percentage
Vancouver	1.5 %
Abbotsford	4.1 %
Chilliwack	10.6 %
Kelowna	14.2 %
Langley	13.4 %
Maple Ridge	13.6 %
Penticton	19.2 %

INVESTIGATIONS

Depending on the nature of the information leading to the case, as well as a number of other factors, some investigations were much more active than others. Marihuana cultivation operations can be successfully concluded within a three-to-four month period, a fact which places pressure on police forces to respond expeditiously to the information they receive. As *Table 2.8* shows, 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 four-year period, and there was some evidence that this increase occurred as a result of the growing pressure applied on police personnel by the sheer number of cases that came to their attention. Also, the percentage of cases in which the information received led to a full investigation (i.e. usually a search of the premises/property) decreased steadily from year to year: complete investigations were conducted in 91% of the cases that came to the attention of the police in 1997, as compared to only 71% of the cases in 2000.

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 British Columbia 1997-2000

YEAR	Percentage of Cases Where Action was Taken After Information was Received		
	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 %
Four Years	79 %	4 %	17 %

N = 11,733

Clearly it appears that the rapid increase in the number of cases coming to the attention of the police has had an impact on the ability of the police to respond quickly, and conducted a full investigation. This was particularly apparent, as shown in *Table 2.9*, in those regions that have been affected by an especially steep increase in the number of cases reported to the police, such as the Mainland/ Southwest, the Cariboo and the Vancouver Island/Coast regions. These regions experienced the longest average delay from the time the information was received by the police to the time the investigation was concluded. The length of the delay also tended to increase each subsequent year. For the whole of the province, the average number of days which elapsed before a search was conducted was 23 days for the four-year period. That number grew from 17 days in 1997 to 29 days in the year 2000, an increase of 71%.

Table 2.9: Average Number of Days Elapsed From Opening Marihuana Cultivation File to Search (by Year and Region) British Columbia 1997-2000

Region	Average Number of Days Elapsed				
	1997	1998	1999	2000	Average over four years
Mainland/Southwest	19	19	29	34	27
Cariboo	18	20	14	27	21
Kootenay	16	13	19	25	19
Thompson/Okanagan	21	15	22	20	19
Vancouver Is./Coast	14	15	19	24	19
Northeast	0	21	18	8	14

Nechako	5	19	19	17	15
North Coast	3	3	49	4	13
Provincial Overall	17	17	24	29	23

This longer investigation time frame is likely the result of the increased volume of cases, and the resulting inability of local law enforcement to expeditiously investigate all cases that came to their attention. That longer time frame itself, given the limited time during which a successful search can be conducted in a marihuana cultivation operation, has likely affected the efficacy of some investigations. *Table 2.10* also indicates, for instance, that the time frame within which an unsuccessful investigation was completed and a search conducted was, in the many cases, consistently longer than in those cases when the investigation was successful. The added delays in concluding an investigation after initially receiving information clearly influenced the successfulness of the investigation.

Table 2.10: Average Number of Days Elapsed From Opening of a Marihuana Cultivation File to Search (by Status of Case) British Columbia 1997-2000

Status	Average Number of Days Elapsed				
	1997	1998	1999	2000	Four Years
Founded	17	16	23	33	20
Search occurred too late	19	19	20	29	24
Unfounded	26	26	45	65	51
Groups combined	17	17	24	29	23

* ALL FIGURES ROUNDED.

FOUNDED CASES

During the four years under review, 68.3% of all the cases that had come to the attention of the police, and 87% of the cases where a full investigation was conducted, proved to be founded cases. In a further 5% of the cases where a full investigation was conducted, there was evidence that a marihuana cultivation operation had taken place, but the search occurred too late to produce formal evidence. During the year 2000, 59% of all the cases that came to the attention of the police (82% of the cases where a full investigation was conducted) proved to be founded cases.

Table 2.11, displays the percentage of all alleged cases of marihuana cultivation reported to the police in a given year and, among them, those which proved to be founded, as well as those where there was evidence that a marihuana cultivation had occurred (e.g., alterations to the physical property, presence of a hydro by-pass, etc.), but the search had been conducted too late for useful evidence to be collected. As can be seen in these two tables, the percentage of founded cases among all the cases that came to the attention of the police, or among the cases where a full investigation was conducted, decreased steadily from year to year. *Table 2.12* displays the same percentages of founded cases as a portion of the total number of cases where a full investigation was conducted. Nevertheless as can be seen from *Figure 2.3* and *Figure 2.4* there has been a steady increase in the number of grows in B.C both in terms of real numbers and in terms of the rate per 1,000 population.

Table 2.11: Percentage of All Marihuana Cultivation Cases That Came to the Attention of the Police Which Proved to be Founded British Columbia 1997-2000

Year Cases brought to police attention	Cases founded and marihuana was seized	Evidence of cultivation, but a search occurred too late	Rate per 1,000 population
1997 (n = 1,489)	84 %	3 %	0.32
1998 (n = 2,342)	75 %	3 %	0.44
1999 (n = 3,100)	71 %	4 %	0.55
2000 (n = 4,802)	59 %	5 %	0.70
1997 to 2000 (n = 11,733)	68 %	4%	

* All figures rounded.

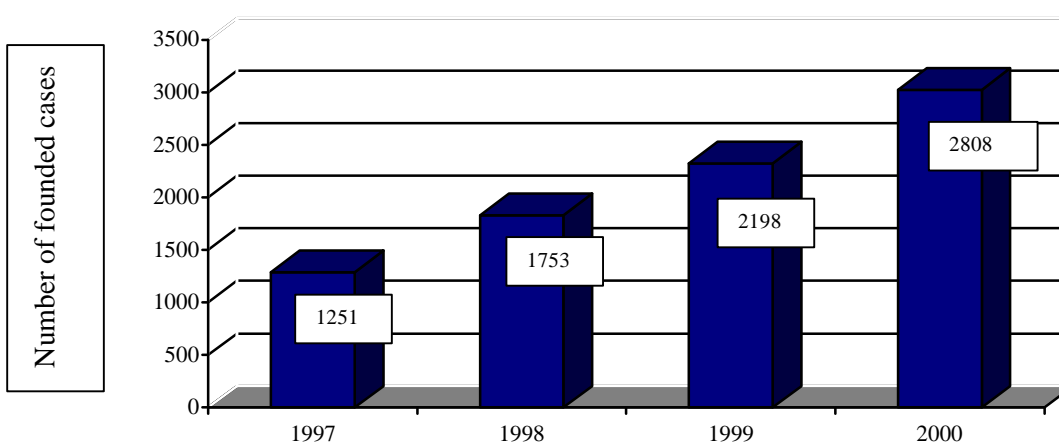
**Table 2.12: Percentage of Full Investigation Where the Case of Marihuana Cultivation Proved to be Founded
British Columbia 1997-2000**

Year Number of full investigation	Case was founded, marihuana was seized	Evidence of cultivation, but a search occurred too late	Unfounded**
1997 (n = 1345)	93 %	3 %	4 %
1998 (n = 1959)	90 %	4 %	6 %
1999 (n = 2509)	88 %	5 %	7 %
2000 (n = 3419)	82 %	6 %	12 %
Overall Average	87 %	5 %	8 %
N = 9232	8010	462	760

* 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 “drive by” of the premise/property, a follow-up meeting with a landlord, or an inspection on crown land.

**Figure 2.3: Number of Founded Marihuana Cultivation Cases
British Columbia 1997 - 2000**



N = 8,010

Figure 2.4: Rates Per 1,000 Population of Founded Marihuana Cultivation Cases

British Columbia 1997-2000

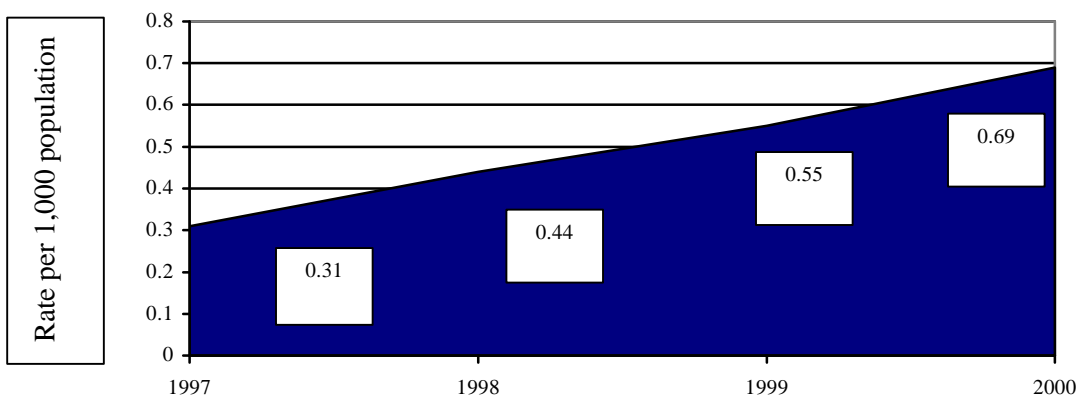


Table 2.13 shows the distribution of founded cases of marihuana growing operations for each of the four years across the various development regions and administrative districts of the province. All regions and most districts have experienced a steady year by year increase in the number of founded cases of marihuana cultivation. Once more, three development regions show the highest concentration of cases: Mainland/Southwest, Vancouver Island/Coast, and Thompson/Okanagan. Together, these three regions account for 88% of all founded cases reported in the province in 2000. In fact, 59% of all founded cases in 2000 were in the Mainland/Southwest region alone. The three regions with the largest increase of founded cases during the four-year period were the Cariboo (an increase of 194%) and the Mainland/Southwest region (181%). Some regional districts have experienced a much more rapid increase than others. This was the case, for instance, in the Greater Vancouver and Fraser Valley, Sunshine Coast, Northern and Central Okanagan, Cariboo, and the Fraser/ Fort George districts.

Table 2.13: Number of Founded Cases of Marihuana Cultivation by Development Region British Columbia 1997-2000

Development Region / Regional District	1997	1998	1999	2000	Increase since 1997
Greater Vancouver	476	670	900	1343	182 %
Fraser Valley	124	164	223	281	127 %
Squamish-Lillooet	13	17	17	33	154 %
Mainland/Southwest Overall	613	851	1140	1657	172 %
Nanaimo	98	116	117	146	49 %
Comox-Strathcona	73	90	117	142	95 %
Capital	90	72	118	99	10%
Cowichan Valley	44	83	93	65	48 %
Sunshine Coast	8	35	34	25	213 %
Alberni-Clayoquot	14	18	19	18	29 %
Powell River	0	16	15	19	100 %
Mount Waddington	6	10	12	9	50 %
Vancouver Is/ Coast Overall	333	440	525	523	57 %
Thompson-Nicola	47	92	83	81	72 %
Central Okanagan	38	56	81	83	118 %
Northern Okanagan	27	50	47	80	196 %
Okanagan-Similkameen	28	37	43	55	96 %
Columbia-Shuswap	25	25	33	36	44 %
Thompson/Okanagan Overall	165	260	287	335	103 %

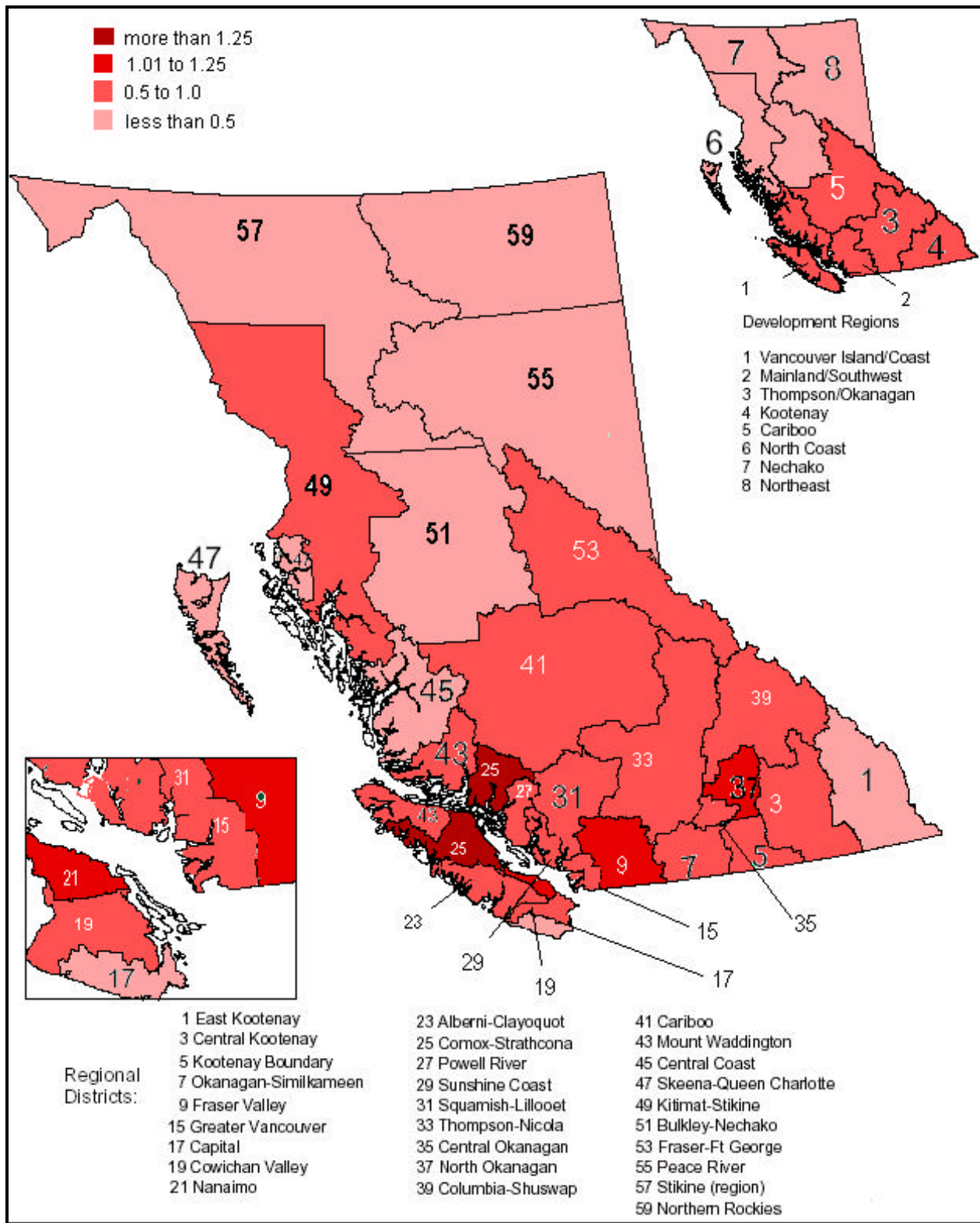
Fraser-Fort George	23	28	43	65	183 %
Cariboo	23	29	26	61	165 %
Cariboo Overall	46	67	69	126	174 %
Central Kootenay	32	45	76	62	94 %
Kootenay Boundary	13	38	39	21	62 %
East Kootenay	14	20	22	29	107 %
Kootenay Overall	59	103	137	112	90 %
Kitimat-Stikine	10	12	12	25	150 %
Skeena-Qn. Charlotte	7	6	5	2	- 71 %
Central Coast	1	0	0	1	-
North Coast Overall	18	18	17	28	56 %
Bulkley-Nechako	13	7	8	19	46 %
Stikine (region)	0	1	2	0	0 %
Nechako Overall	13	8	10	19	46 %
Peace River	4	5	11	7	75 %
Northern Rockies	0	1	2	1	100 %
Northeast Overall	4	6	13	8	100 %
Province Overall	1251	1753	2198	2808	124 %

Table 2.14 reports the rates of founded marihuana cultivation cases per thousand population in 1997 and 2000 and the percentage increase in these rates for each of the regional districts of the province. These varying rates are also presented graphically in *Map 2.4*. The districts with the highest rates in 2000 were Mainland/Southwest and Vancouver Island/Coast, and those which show the most dramatic increase in these rates were Cariboo and the Mainland/Southwest.

Table 2.14: Founded Cases of Marihuana Cultivation and Percentage Increase in the Rates over the Four-Year Period British Columbia 1997- 2000

Region/district	1997 number	1997 rate	2000 number	2000 rate	% rate increase
Greater Vancouver	476	0.24	1343	0.67	179%
Fraser Valley	124	0.53	281	1.16	110%
Squamish-Lillooet	13	0.38	33	0.91	139%
Mainland/Southwest Overall	613	0.27	1657	0.72	167%
Nanaimo	98	0.75	146	1.08	44%
Comox-Strathcona	73	0.70	142	1.35	93%
Capital	90	0.27	99	0.30	11%
Cowichan Valley	44	0.58	65	0.85	47%
Sunshine Coast	8	0.30	25	0.91	203%
Alberni-Clayoquot	14	0.42	18	0.54	29%
Powell River	0	0.00	19	0.90	-----
Mount Waddington	6	0.39	9	0.60	54%
Vancouver Island/Coast Overall	333	0.46	523	0.72	57%
Thompson-Nicola	47	0.37	81	0.62	68%
Central Okanagan	38	0.26	83	0.54	108%
Northern Okanagan	27	0.36	80	1.03	186%
Okanagan-Similkameen	28	0.35	55	0.68	94%
Columbia-Shuswap	25	0.49	36	0.68	39%
Thompson-Okanagan Overall	165	0.34	335	0.68	100%
Fraser-Fort George	23	0.22	65	0.61	177%
Cariboo	23	0.32	61	0.83	159%
Cariboo Overall	46	0.26	126	0.70	169%
Central Kootenay	32	0.52	62	1.00	92%
East Kootenay	14	0.24	29	0.47	96%
Kootenay Boundary	13	0.38	21	0.62	63%
Kootenay Overall	59	0.38	112	0.71	87%
Kitimat-Stikine	10	0.22	25	0.53	141%
Central Coast	1	0.23	1	0.23	0%
Skeena-Queen Charlotte	7	0.27	2	0.08	-30%
North Coast Overall	18	0.25	28	0.39	56%
Bulkley-Nechako	13	0.29	19	0.42	45%
Stikine (region)	0	0.00	0	0.00	0%
Nechako Overall	13	0.28	19	0.40	43%
Peace River	4	0.07	7	0.12	71%
Northeast Overall	4	0.06	8	0.12	100%
Northern Rockies Overall	0	0.00	1	0.16	-----
Province Overall	1250	0.32	2808	0.69	116 %

**Map 2.4: Rate Per 1,000 Population of Founded Marihuana Cultivation Cases by Development Region and Regional District
British Columbia, 2000**



Chapter 3

Description of Marihuana Growing Operations

During the period studied, more than 1.2 million marihuana plants were seized in British Columbia, as well as 8,646 kilograms of harvested marihuana. The value of the seized marihuana is conservatively estimated at three quarters of a billion dollars. The majority of the operations were indoor operations, and predominantly in the Mainland/ South Coast region of the province. The operations overall are becoming larger and more frequent every year everywhere in the province. They are also becoming increasingly sophisticated, using better and more expensive equipment and diverting electricity to avoid detection. Their presence in the community represents additional risks for that community, including an increased risk of violence and fire.

CHARACTERISTICS OF GROWING OPERATIONS

As mentioned earlier, there were 8,010 founded cases of marihuana cultivation in British Columbia during the four-year period between January 1, 1997 and December 31, 2000. More than 73% of these cases were indoor operations (see Figure 3.1); 69% were in a private houses, 4% in apartments or multiple unit residences, 2% were in commercial buildings, and 5% were in detached buildings such as barns or sheds. Sixteen percent of all the operations were conducted outdoors, either on private land (in 7% of the cases) or on Crown land (9%).

**Figure 3.1: Type of Marihuana Growing Operations
British Columbia 1997-2000**

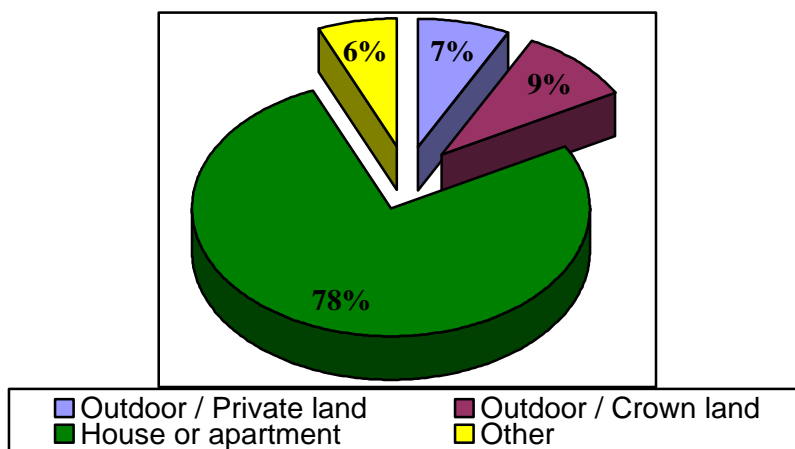


Table 3.1 shows how the percentage of cases where marihuana cultivation took place outdoors, as opposed to indoors, varied considerably from one region to another. Four of the eight regions had a particularly high percentage of outdoor growing operations, Kootenay (41%), Vancouver Island/Coast (26%), Thompson/Okanagan (26%), and North Coast Region (19%). The Mainland/ Southwest, with a much higher concentration of cases than any other in the province, had a very low percentage of outdoor operations (6%) and, consequently, a very high percentage of indoor operations.

**Table 3.1: Percentage of Marihuana Cultivation Cases Involving an Outdoor Operation in Each Development Region
British Columbia 1997- 2000**

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

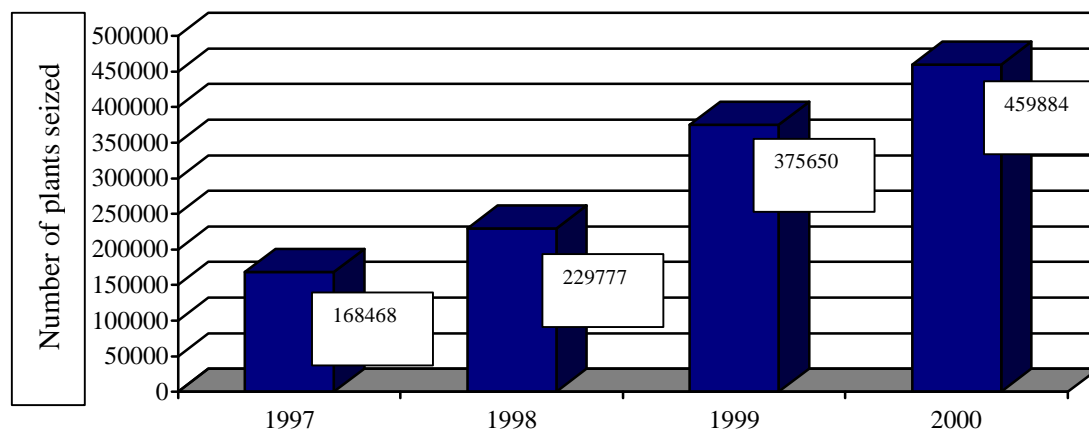
Reliable information on the method of cultivation used in each case (i.e., soil growing or hydroponic) was not consistently kept in police files and it was decided, after the preliminary

study, that such information could not be systematically collected. It was nevertheless evident that hydroponic cultivation operations were not as frequent as it is often assumed. The great majority of operations used the soil-based method.

THE SIZE OF OPERATIONS

Marihuana was seized in two forms: in plant form (in which case the number of plants was counted) and in the form of harvested marihuana (in which case, the quantity of marihuana seized was measured in kilograms). The total number of marihuana plants seized in British Columbia during the four-year period was 1,223,521; in addition, a total of 8,646 kilograms of harvested marihuana was seized. In a small percentage of cases (3.3%), the search also revealed the presence of other illicit drugs, which were usually present only in small quantities. As depicted in *Figure 3.2*, the total number of plants seized in the province increased each year. In 2000, the total reached 459,884 plants, representing an increase of 173% over the number of plants seized in 1997 (see *Table 3.2*).

**Figure 3.2: Number of Marihuana Plants Seized
British Columbia 1997-2000**



In cases where plants were seized, the number in each case varied between 1 and 7,281 plants. Over the four-year period, the average number of plants seized per operation was 166 plants. The average seizure size increased from an average of 141 in 1997, to an average of 180 plants in 2000.

As shown in *Table 3.2*, the average number of plants involved (when plants were seized) was substantially higher for indoor operations than outdoor ones. It is also evident that the average size of both indoor and outdoor growing operations increased between 1997 and 2000. The average size of growing operations, as judged by the number of plants seized, has increased by 18% during the period under review. The average size of an indoor growing operation, judged by the same criterion, has increased by 29%, while the average size of outdoor grows has increased by 76%.

**Table 3.2: Number of Marihuana Plants Seized and in Parentheses Average Number of
Plants Involved When Plants Were Seized by Type of Operation
British Columbia 1997-2000**

Type of Operation	Total Number of Plants Seized in the Province and (in Parentheses) the Average Number of Plants Involved When Plants Were Seized				
	1997	1998	1999	2000	Total 4 years
Indoor	125,243 (149)	163,403 (158)	272,531 (188)	329,194 (192)	890,371 (177)
Outdoor	12,134 (76)	33,630 (103)	29,473 (106)	39,790 (134)	115,027 (108)
Other (bunker, trailer, vehicle)	31,091 (162)	32,744 (118)	73,646 (220)	90,900 (166)	228,381 (169)
All types combined	168,468 (141)	229,777 (140)	375,650 (182)	459,884 (180)	1,233,779 (166)

* All figures rounded.

Table 3.3 reports the amount of harvested marihuana seized in the province in relation to the various marihuana cultivation operations in each of the four years studied (in kilograms). It should be remembered that whether or not harvested marihuana was seized was largely a function of the timing of the seizure relative to the three months or so required to complete a single growing operation. The average quantity of harvested marihuana seized was significantly larger during the last two years of the period considered (i.e. 1999 and 2000) than during the first two years (i.e. 1997 and 1998). This suggests once more that the average size of growing operations in the province was increasing during that time.

Table 3.3: Number of Kilograms of Harvested Marihuana Seized and Average Number of Kilograms Involved When Harvested Marihuana was Seized British Columbia 1997- 2000

Type of Operation	Number of kilograms of harvested marihuana seized and average number of kilograms involved (in parentheses)				
	1997	1998	1999	2000	Total 4 years
Indoor	735 (2.1)	1108 (2.7)	2786 (4.9)	2595 (4.1)	7225 (3.7)
Outdoor	114 (12.6)	141 (5.4)	146 (5.2)	125 (5.4)	525 (6.1)
Other (e.g. bunker, trailer, vehicle)	124 (2.1)	119 (1.8)	357 (3.9)	346 (3.3)	946 (3.4)
All types combined	973 (2.4)	1368 (2.7)	3289 (4.8)	3066 (4.0)	8696 (3.7)

Table 3.4 shows an estimate of the total quantity of potentially marketable marihuana seized during the period between 1997 and 2000. The quantity of potentially harvestable substance per

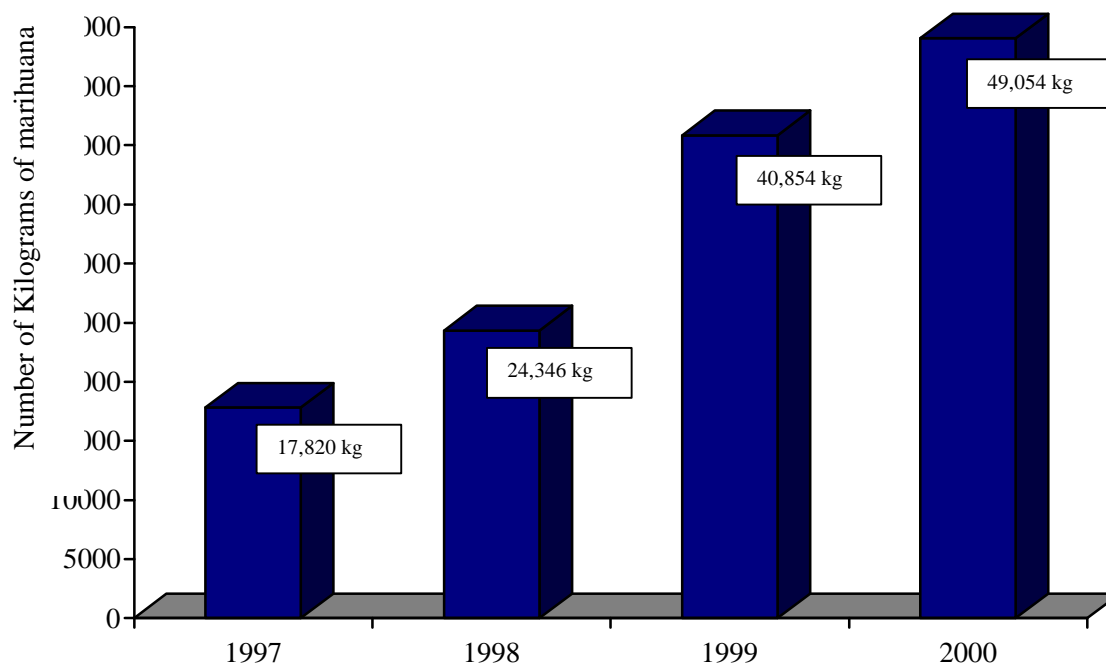
plant was conservatively estimated on the basis of 100 grams (or approximately 3.5 ounces) per plant. Approximately 49,000 kilograms of marihuana were seized which, presumably, would have otherwise reached the market. This represents an increase of 175% in the amount of marihuana seized between the years 1997 and 2000 (see also *Figure 3.3*).

Table 3.4: Estimated Total Quantity of Potentially Marketable Marihuana Seized British Columbia 1997-2000

Form in which marihuana seized	Estimated number of marketable kilograms of marihuana seized each year				
	1997	1998	1999	2000	Total
In plant form (100 gm / plant)	16,847	22,978	37,565	45,988	123,378
In bulk form already harvested	973	1,368	3,289	3,066	8,696
Total	17,820	24,346	40,854	49,054	132,074
Percentage increase over previous year	-	37 %	68 %	20 %	
Cumulative % increase since 1997	-	37 %	129 %	175 %	

* Percentages rounded.

Figure 3.3: Total Quantity (in Kilograms) of Potentially Marketable Marihuana Seized British Columbia 1997- 2000



VALUE OF MARIHUANA SEIZED

There are obviously different ways of estimating the dollar value of the confiscated marihuana. Not all marihuana is of the same quality. Its market value varies depending on a number of factors, such as its quality, the time of the year, where it is being sold, and the quantity in which it is being sold (wholesale/retail). There are different views on what the average market value of confiscated marihuana is and on how to estimate it. Some varieties of marihuana plants have a greater yield than others. Furthermore, not all confiscated plants have reached maturity or can produce a yield. To arrive at the estimate of the total potentially marketable amount of marihuana seized (see *Table 3.4* above), it was assumed that marihuana plants could produce a harvest of approximately 100 grams (or around 3.5 ounces) per plant. Current estimates of the average wholesale market value of a kilogram of dry local marihuana in British Columbia, sold in large quantities of a kilogram or more, vary from \$3,500 to \$7,500 per kilogram. Estimates of the retail value of a kilogram of dry local marihuana in British Columbia, sold by the pound or by the ounce, vary between \$3,500 and \$9,000 per kilogram. One can reasonably assume that the average market price in British Columbia during the period considered was probably somewhere between \$5,000 and \$7,000 per kilogram. Based on the above assumptions, the total estimated value of the marihuana seized in British Columbia during the year 2000 could be as little as \$172 million and as much as \$466 million (see estimate in *Table 3.5*), although it was more likely worth somewhere between \$250 and \$350 million. During the same year, the average value of the marihuana seized per case is estimated between \$100,000 and \$130,000. In turn, the total estimated value of the marihuana seized in the province between January 1, 1997 and December 31, 2000 could be as little as \$462 million or as much as \$1.25 billion (again see estimate in *Table 3.5*). Its overall market value was more realistically estimated at three quarters of a billion dollars.

**Table 3.5: Estimates of the Total Value of Potentially Marketable Marihuana Seized
British Columbia 1997-2000**

Kilograms of marihuana seized	1997	1998	1999	2000	Total
In plant form	16847	22978	37565	45988	123378
Already harvested	973	1368	3289	3066	8696
Total in kg	17820	24346	40854	49054	132074
Cost at \$3500/kg	\$ 62,369,300	\$ 85,209,950	\$ 142,989,000	\$171,690,400	\$ 462,258,650
Cost at \$5000/kg	\$ 89,099,000	\$ 121,728,500	\$ 204,270,000	\$ 245,272,000	\$ 660,369,500
Cost at \$6500/kg	\$ 115,828,700	\$ 158,247,050	\$ 265,551,000	\$ 318,853,600	\$ 858,480,350
Cost at \$8000/kg	\$ 142,558,400	\$ 194,765,600	\$ 326,832,000	\$ 392,435,200	\$ 1,056,591,200
Cost at \$9500/kg	\$ 169,288,100	\$ 231,284,150	\$ 388,113,000	\$ 466,016,800	\$ 1,254,702,050

GROWING SOPHISTICATION OF OPERATIONS

It was easily ascertainable from the police files reviewed that marihuana growing operations were becoming not only more frequent and larger than in the past, but also in many ways more sophisticated and better organized. Special timers and automatic watering and plant feeding systems were being used more frequently, particularly in the Vancouver and Lower Mainland area. Special equipment to accelerate plant growth, including special electrical ballasts and 1,000W or 400W lights, was more commonly being used. The special equipment needed would appear to be easily accessible in B.C. (see Box 3.1).

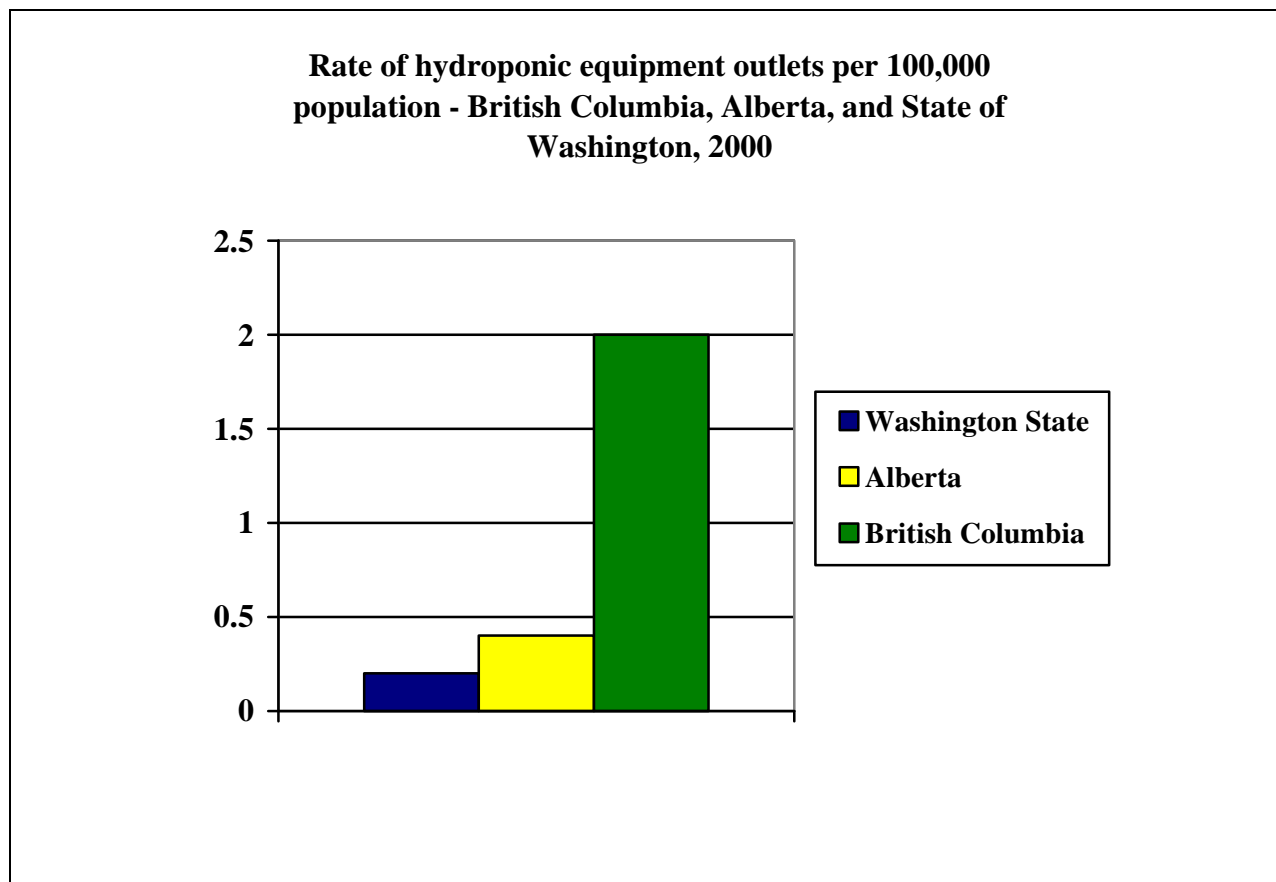
Box 3.1

Hydroponic Cultivation Equipment Outlets in British Columbia, Alberta and the State of Washington⁶

(By: Susan Kirkpatrick, Derek Hansom, Darryl Plecas, and Yvon Dandurand)

A study of the distribution and increase in the number of hydroponic cultivation equipment outlets in British Columbia, Alberta, and the State of Washington, was recently conducted. Data was collected on the number of listings for such outlets in the Yellow Pages. The study revealed that there is a thriving market for hydroponic cultivation equipment in British Columbia which is without a direct parallel in the neighbouring Province of Alberta and State of Washington. The number of hydroponic equipment outlets in British Columbia has grown disproportionately to its population. The figure below shows how, by the year 2000, the rate of hydroponic equipment outlets per hundred thousand population in British Columbia was five times that of Alberta and ten times that of the State of Washington.

⁶ 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.



Electricity was illegally diverted and electrical generators were used to avoid detection as a result of high electricity consumption records. It was not possible prior to the file review phase of the project to design a variable that would have captured the increasing sophistication involved in the various operations. The information collected included data on whether or not, in the 65% of indoor growing operations where some equipment was seized, special high voltage light bulbs were seized and how many. However, these numbers seem to indicate that somewhere close to six out of ten indoor marijuana cultivation operations involved the use of these special lights. That ratio was relatively stable during the four years, but the average number of lights per seizure increased from nine in 1997 to fourteen in 2000. In total, as reported in *Table 3.6*, slightly more than 50,000 such high wattage lights were seized during the period under review.

Table 3.6: Special Growing Lights Seized From Indoor Marijuana Cultivation Operations British Columbia 1997-2000

Year	Percentage of cases in which lights were seized	Average number of lights seized	Total number of lights seized*
1997	63 %	9	6336
1998	56 %	10	7847
1999	62 %	11	13,660
2000	65 %	14	22,516
Overall	62 %	11	50,359

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

Sophisticated indoor marihuana 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. In other cases, particularly in small to medium size operations, electricity is consumed and even paid for, but the operation is moved soon thereafter 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. This can prevent B.C. Hydro from noticing how much electricity is being consumed. According to available information on file, the percentage of indoor marihuana growing operations involving the theft of hydro services grew annually over the four years. During the four-year period there was a total of 1,219 cases (21%) involving theft of electricity, 543 of them occurred in 2000. *Table 3.7* 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. That estimated value was as little as \$59 in one case, and as much as \$35,932 in another. On average, the value of theft was a little over \$2,700. The total amount of electricity stolen during the four years was estimated at \$ 3.5 million. It was more than \$1.5 million in the year 2000.

Table 3.7: Theft of Electricity Involved in Cases of Indoor Marihuana Growing Operations British Columbia 1997-2000

	1997	1998	1999	2000	Overall
Percentage of indoor cultivation cases involving theft of electricity	21 %	14 %	20 %	26 %	21 %
Average value of hydro theft per operation *	\$ 2,880	\$ 3,145	\$ 2,563	\$ 2,784	\$ 2,781
Total reported sum of hydro theft*	\$ 250,596	\$ 207,544	\$ 392,166	\$ 711,154	\$ 1,621,460
Estimated total value of theft in all cases involving theft of electricity	\$ 533,183	\$ 441,583	\$ 842,906	\$ 1,640,753	\$ 3,449,910

* An assessment of the amount of electricity stolen was made in only 47% of the cases.

THE POTENTIAL HARM ASSOCIATED WITH GROWING OPERATIONS

Table 3.8 summarizes the information collected on some other characteristics of the founded marihuana cultivation cases investigated by the police in British Columbia between 1997 and 2000. The table reveals that in 4.2% of these cases children were present at the scene when the search was conducted; many of these children were very young and lived within the premises that were being searched. In these cases, there was evidence that the police tended to inform the local child protection agency to ensure the safety of the children.

**Table 3.8: Other Characteristics of Marihuana Growing Operations
British Columbia 1997-2000**

Circumstance	Percentage of founded cases
Hazards present (e.g., booby trap, explosives, dangerous chemical product)	2.1 %
Fire involved in indoor grows	3.5 %
Children present	4.2 %
Firearms seized	5.9 %
Other weapons seized (e.g., knives)	2.0 %

Indoor operations were sometimes discovered because the property involved had caught on fire, usually as a result of tampering with the building's electrical installations to by-pass the B.C. Hydro meter and divert electricity. During the period under review, 3.5% of all indoor cultivation operations resulted in a building fire.

In addition to the potential hazard created by modified electrical equipment, and the fires, a small proportion of the properties that were searched (2.1%) were hiding other dangers such as explosives, dangerous chemical products, and even booby traps. At least one firearm was also present and seized on the premises in 5.9% of the cases. In 53% of these instances, the firearm was a restricted or a prohibited firearm.

Chapter 4

The Suspects

An analysis of the information collected on the more than 10,000 suspects involved in marihuana cultivation operations in British Columbia between 1997 and 2000 produced a fairly consistent and stable portrait of the typical suspects associated with such cases. In the majority of jurisdictions within the province, most suspects were Caucasian males, typically in their mid-thirties, usually with a criminal history. However, a new phenomenon can be observed in a number of jurisdictions around Vancouver and the Lower Mainland: a nearly twenty-fold increase in the number of suspects of Vietnamese origin, an increase seemingly linked directly with the remarkable increase in the number of marihuana cultivation cases in that region.

DESCRIPTION OF SUSPECTS

A suspect was not necessarily identified in every marihuana cultivation operation discovered. A total of 10,373 suspects were identified in relation to the 8,010 founded cases of marihuana cultivation in the province during the four-year period under study. *Table 4.1* shows how the increase in the number of suspects identified each year reflected the steady yearly growth in the number of founded cases investigated. The annual number of suspects identified more than doubled between 1997 and 2000.

Table 4.1: Number of Suspects Identified in Relation to Founded Marihuana Cultivation Operations British Columbia 1997-2000

Year	Total number of suspects
1997	1663
1998	2098
1999	3026
2000	3586
Overall	10,373

Table 4.2 summarizes the characteristics of the suspects involved. Seventy-seven percent of all suspects were male. Less than 2% of all the suspects identified were under the age of 18. The average age of male suspects was 35 years and for females 34.

Table 4.2: Number, Age and Ethnic Group of Suspects Involved in Marihuana Cultivation Operations British Columbia 1997-2000

Characteristics	1997	1998	1999	2000	Overall
Average number of suspects per case*	1.3	1.2	1.4	1.2	1.3
Percentage of suspects who were male	79 %	80 %	78 %	75 %	77 %
Percentage of suspects who were female	21 %	20 %	22 %	25 %	23 %
Average age of suspects**	34	34	34	35	35
Average age of male suspects	34	34	34	36	35
Average age of female suspects	34	34	34	34	34
Percentage of suspects under the age of 18	1 %	2 %	2 %	2 %	2 %
Percentage of suspects from any minority ethnic groups	6 %	9 %	25 %	43 %	25 %
Percentage of suspects of Vietnamese origin	2 %	5 %	21 %	39 %	21 %

N = 10,372

* Including cases where no suspect was identified.

** Median age of suspects was 33 years.

The involvement of suspects from minority ethnic groups increased dramatically during the four-year period, from 6% of the total number of suspects in 1997 to 43% of the same in 2000; however, the latter increase was largely the result of the involvement of suspects of Vietnamese origin (see: *Figure 4.1*). Their number, as a percentage of the total number of suspects identified in relation to founded marihuana cultivation cases, grew from 2% in 1997 to 39% in 2000, an almost twenty-fold increase. Viewed another way, in 2000, Vietnamese suspects grew to 36% of all founded cases of marihuana cultivation while the percentage of suspects from minority ethnic groups other than Vietnamese has itself remained constant at the 4% level.

Figure 4.1: Annual Percentages of Suspects Involved in Marihuana Cultivation Operations by Ethnic Group British Columbia 1997-2000

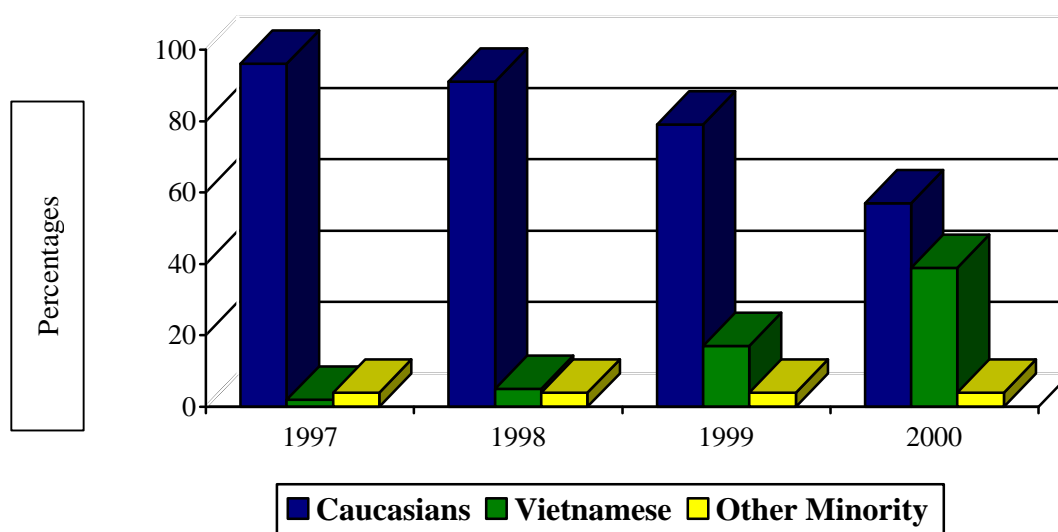


Table 4.3 presents the distribution of suspects by their place of birth. Seventy-eight percent of all suspects were born in Canada. Only 40% of the suspects were originally from British Columbia: other Canadian born suspects were predominantly from Ontario (14%) and from Alberta (8%). Very few foreign born suspects were from the United States. Fourteen percent of all suspects were born in Vietnam. In fact, most suspects of Vietnamese origin were first generation immigrants to Canada, as 97% of all suspects of Vietnamese origin had been born in Vietnam.

Table 4.3: Place of Birth of Suspects Involved in Marihuana Cultivation Incidents

British Columbia 1997-2000

Country	Place of birth	Percentage of all suspects
Canada	B.C.	40
	Ontario	14
	Alberta	8
	Saskatchewan	4
	Quebec	4
	Manitoba	3
	New Brunswick	1
	Nova Scotia	2
	Newfoundland	1
	PEI, NWT, Yukon	1
	Canada sub-total	78
Other Countries	U.K./ Europe	5
	Other Countries	1
	U.S.A.	1
	Vietnam	14
	Outside Canada sub-total	22

SUSPECTS OF VIETNAMESE ORIGIN

Cases involving suspects of Vietnamese origin were concentrated in the Vancouver and Lower Mainland area of the province. During the year 2000, nearly half the suspects involved in marihuana cultivation operations in that part of the province (48%) were of Vietnamese origin. Eighty-nine percent of all the suspects of Vietnamese origin associated with a marihuana cultivation operation anywhere in the province were identified with ten jurisdictions (all but one in the Vancouver and Lower Mainland) with the highest volume of marihuana cultivation cases in the province. *Table 4.4* shows that 48% of the suspects in the ten police jurisdictions with the highest volume of cases in 2000 were of Vietnamese origin. The percentage of suspects of Vietnamese origin was particularly high in Vancouver (67%) and in Richmond (56%).

Table 4.4: Percentage of Suspects of Vietnamese Origin and Percentage of Cases Involving Suspects of Vietnamese Origin: Ten Jurisdictions in British Columbia With the Highest Volume of Marihuana Cultivation Cases in 2000

Detachment / Department	Percentage of suspects of Vietnamese origin	Percentage ⁷ of cases involving suspects of Vietnamese origin				
		1997	1998	1999	2000	1997-2000
Vancouver	67 %	5 %	29 %	62 %	87 %	61 %
Richmond	56 %	14 %	4 %	23 %	60 %	34 %
Chilliwack	50 %	4 %	0 %	7 %	56 %	22 %
Delta	48 %	0 %	0 %	34 %	43 %	31 %
Burnaby	43 %	3 %	11 %	35 %	58 %	32 %
Nanaimo	43 %	0 %	0 %	26 %	53 %	26 %
Abbotsford	38 %	0 %	15 %	44 %	39 %	33 %
Langley	35 %	4 %	4 %	19 %	35 %	18 %
Surrey	34 %	0 %	5 %	21 %	38 %	19 %
Coquitlam	24 %	3 %	3 %	13 %	29 %	13 %
All 10 jurisdictions	48 %	3 %	9 %	25 %	56 %	30 %
Province overall	21 %	2 %	5 %	19	36 %	19 %

Figure 4.2 graphically depicts the observed increase in the proportion of cases involving Vietnamese suspects involved in marihuana cultivation cases in the ten jurisdictions with the highest volume of such cases in 2000.

Figure 4.2: Increase in the Proportion in Marihuana Cultivation Cases Involving Vietnamese Suspects – Ten Jurisdictions With Highest Volume of Cases British Columbia 1997–2000.

⁷ These percentages displayed in Tables 4.2, 4.4, 4.5 and in Figures 4.1 and 4.2 are based on what is very likely an underestimation of the proportion of suspects of Vietnamese origin involved. This is because of the data on this variable was not available in 17% of the cases and due to the fact that in recording the information, suspects were assumed not to be of Vietnamese origins whenever information was missing from a file.

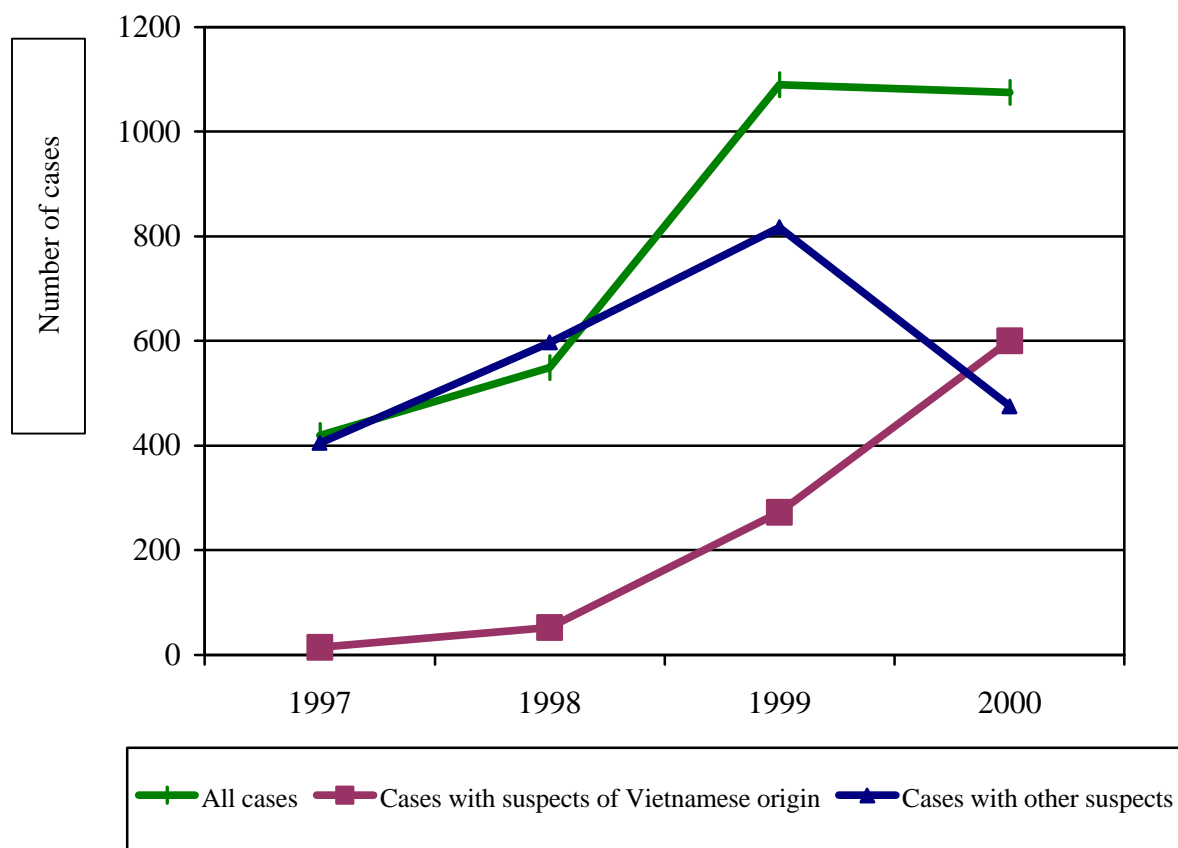


Table 4.5 clearly draws attention to the fact that, in the ten provincial jurisdictions with the highest and fastest growing volume of marihuana cultivation cases in 2000, most of that increase can be explained by the drastic increase in the number of cases involving suspects of Vietnamese origin. These ten jurisdictions, taken together, have experienced an increase of 157% in the volume of founded marihuana cultivation cases between 1997 and 2000. That percentage increase is only about 17% if one excludes all cases involving suspects of Vietnamese origin. That is consistent with the fact that, in these same jurisdictions, the percentage of cases involving suspects of Vietnamese origins increased dramatically. In some jurisdictions where the number of cases not involving suspects of Vietnamese origins is decreasing, such as Vancouver and Chilliwack, one could argue on the basis of founded cases, that non-Vietnamese operators are apparently being replaced by Vietnamese operators.

Table 4.5: Percentage Increase / Decrease Between 1997 and 2000 in the Number of Founded Marihuana Cultivation Cases With an Identified Suspect and in the Number of Cases Without Suspects of Vietnamese Origin - Ten Jurisdictions in British Columbia With the Highest Volume of Founded Marihuana Cultivation Cases in 2000

Detachment/ Department	Percentage Increase / Decrease 1997- 2000	
	In the number of founded cases with identified suspects	In the number of cases without a suspect of Vietnamese origin
Abbotsford	374 %	187 %
Burnaby	92 %	- 17 %
Chilliwack	71 %	- 22 %
Coquitlam	41 %	3 %
Delta	590 %	290 %
Langley	121 %	48 %
Nanaimo	128 %	6 %
Richmond	111 %	- 3 %
Surrey	100 %	25 %
Vancouver	256 %	- 52 %
All ten jurisdictions	157 %	17 %

CRIMINAL HISTORY OF SUSPECTS

The police CPIC files were searched for all suspects to determine if they had records of prior criminal convictions. In the case of 20% of these suspects, it was not possible to determine whether or not they had previously been convicted of a criminal offence. This occurred because the file information on the name (or aliases) and date of birth of the suspect was incomplete, or because there was more than one offender on file with the same name and date of birth and no unique fingerprint identifier number available on that suspect.⁸ The information on the past criminal record of suspects was more frequently unavailable in the case of suspects of Vietnamese origin (27%) than in the case of other suspects (10%).

Marihuana cultivation offences seem to involve suspects who, generally speaking, have more than a casual acquaintance with the criminal justice system and have a significant criminal history. Excluding cases where it was not possible to determine whether the suspect had a prior conviction record or not, 58% of all suspects had a record of prior criminal convictions. The average length of their criminal history was thirteen years and involved, on average, seven prior convictions. Fifty-three percent of all suspects had a prior conviction for a drug offence and 39% of them had a prior conviction for a violent crime.

The percentage of suspects with a criminal record was lower for suspects of Vietnamese origin (40%), as compared to all other suspects (60%). *Table 4.6*, however, seems to suggest that, as more suspects of Vietnamese origin were participating in marihuana cultivation operations, proportionately fewer of them had a criminal record. The reason for this is not entirely clear, although it is likely to be partly the result of the fact that the data on the criminal history of suspects of Vietnamese origin, mostly first generation immigrants, did not (and could not)

⁸ In some cases, convicted offenders were not fingerprinted and, therefore, unable to confirm if the offender had a criminal record.

include any information on their prior criminal history while in Vietnam or another country prior to their arrival in Canada.

**Table 4.6: Percentage of Suspects With a Confirmed Prior Criminal Conviction
Marihuana Cultivation Cases
British Columbia 1997-2000**

Category of suspects	Percentage of suspects with at least one prior criminal conviction*				
	1997	1998	1999	2000	Overall
All suspects	62 %	63 %	56 %	54 %	58 %
All suspects excluding those of Vietnamese origin	62 %	63 %	58 %	59 %	60 %
Suspects of Vietnamese origin	61 %	42 %	40 %	41 %	41 %

N = 10,372

* The above figures exclude 20 % of suspects for whom it was not possible to confirm whether or not they had prior convictions.

A more detailed comparison of the criminal histories of suspects of Vietnamese origin with that of other suspects reveals a number of significant differences between the two groups (see *Table 4.7*). The average length of the criminal history of the former is only a little more than one third the average length of the criminal history of other offenders, and involves, on average, only half as many offences. These two facts taken together suggest that either suspects of Vietnamese origin were recruited later into a life of crime, or their criminal history involved crimes committed in Vietnam or another country and therefore not recorded in the Canadian information system.

The criminal records of suspects of Vietnamese origin typically involve a lesser frequency of violent criminal offences, and convictions in fewer jurisdictions. The average period of time between each conviction, however, is shorter in the case of suspects of Vietnamese origin than in the case of other suspects. One in five of the Vietnamese suspects had a prior conviction in the province of Ontario.

**Table 4.7: Comparison By Ethnic Affiliation of the Criminal Histories of Suspects
Involved in Marihuana Cultivation Offences
British Columbia 1997-2000**

Characteristic of suspects criminal record considered	Suspects of Marihuana Cultivation		
	All suspects	Non-Vietnamese	Vietnamese origin
Average length of criminal history	13 yrs	14 yrs	5 yrs
Average number of prior convictions	7	8	4
Percentage with prior drug convictions (Average number of convictions in parentheses)	53 % (2)	55 % (3)	42 % (2)
Percentage with prior conviction for possession for the purpose of trafficking	31 %	27 %	34 %
Percentage with a prior marihuana cultivation conviction	14 %	15 %	11 %
Percentage with conviction for violent offence (Average number of convictions in parentheses)	39 % (2)	41 % (2)	23 % (2)
Percentage with conviction for non-compliance offences* (Average number of convictions in parentheses)	27 % (2)	30 % (2)	15 % (3)
Average number of jurisdictions in which suspects were convicted	2.4	2.5	1.6
Average length of time between convictions	1.74 yrs	1.75 yrs	1.25 yrs
Percentage of suspects convicted in Ontario, the most frequent province other than BC where suspects were previously convicted	12 %	11 %	22 %

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

As *Tables 4.8* and *4.9* demonstrate, based on information on the jurisdiction in which each suspect had most frequently been convicted in the past, a clear pattern emerges in which suspects of Vietnamese origin are shown to be moving to British Columbia from other provinces in greater numbers every year, in particular from Ontario.

Table 4.8: Province Where Marihuana Cultivation Suspects Have Most Frequently Been Convicted of a Criminal Offence in the Past

Province	Percentage of suspects	
	Non-Vietnamese	Vietnamese
B.C.	72 %	63 %
Ontario	11 %	22 %
Alberta	9 %	10 %
Saskatchewan	3 %	-
Quebec	2 %	5 %
Manitoba	1 %	-
New Brunswick	1 %	-
Nova Scotia	1 %	-
Newfoundland, PEI, NWT, Yukon	1 %	-

Table 4.9: Province in Which Marihuana Cultivation Suspects of Vietnamese Origin Have Most Frequently Been Convicted of a Criminal Offence in the Past, 1997-2000

Province	Percentage of suspects for whom the listed province is the most frequent jurisdiction of prior conviction			
	1997	1998	1999	2000
British Columbia	100 %	79 %	65 %	53 %
Ontario		4 %	20 %	28 %
Alberta		14 %	9 %	11 %
Quebec		4 %	5 %	7 %

A further indication of Vietnamese suspects' involvement in marihuana cultivation operations in British Columbia comes from the criminal record information on the jurisdiction in which they have most often been previously convicted. As *Table 4.10* indicates, 84% of Vietnamese suspects with previous convictions had most frequently been previously convicted in only one of fifteen jurisdictions. Nineteen percent of them in Ontario and 10% of them in Alberta.

Table 4.10: Fifteen Most Frequent Jurisdictions in Which the Identified Suspects of Vietnamese Origin Had Previously Been Convicted in Canada

Jurisdiction	Percentage of all suspects of Vietnamese origin	
Vancouver	24 %	British Columbia 51 %
Nanaimo	8 %	
Surrey	5 %	
Burnaby	4 %	
Langley	3 %	
Campbell River	3 %	
Courtney	2 %	
Coquitlam	2 %	
Toronto	10 %	Ontario 19 %
Hamilton	4 %	
Waterloo	3 %	
Peel	2 %	
Calgary	5 %	Alberta 10 %
Edmonton	5 %	
Montreal	4 %	Quebec 4 %
Other jurisdictions	16 %	16 %

Chapter 5

Action Taken

One of the goals of the present study was to determine the range of measures taken by the law enforcement and criminal justice system once a marihuana growing operation had been uncovered. This chapter presents the data collected on the charges that were laid and the convictions obtained in cases in which charges were laid by the Crown and where the disposition of these charges was known at the time the data was being collected.

SEARCHES AND SEIZURES

During the period under review, searches were conducted in 9,232 cases. The results of these searches and seizures were described in the previous chapters. In some situations, police officers simply seized and destroyed the marihuana they found without any further procedure. They usually also seized, deactivated, or otherwise disposed of the equipment involved. These situations are known as “no case” seizures. This type of limited response is based on the exercise of discretion by law enforcement officers. It is used in a number of situations, such as when a suspect has not been and is not likely to be identified, the amount of marihuana seized is very small, the case involves a consent search, the investigating officers believe that there may be insufficient grounds for a prosecution, or the search is conducted in such a way or under circumstances such that it would likely render available evidence inadmissible in court.⁹ As seen in *Table 5.1*, during the four years covered in the present study, 45% of all cases involving a search and in which marihuana was seized were dealt with as “no case” seizures. As *Table 5.1* also shows, the proportion of “no case” seizures was considerably lower in cases where one or more suspects had been identified (32%). “No case” seizures were also much less frequent when the search resulted from a complaint received from a landlord, a neighbor, or an anonymous caller and when the police could investigate and obtain a search warrant in advance of the seizure. *Table 5.2* also makes it clear that one of the determining factors of whether or not

⁹ The subject of “no case” seizures became somewhat controversial in British Columbia during the period under review, particularly in relation to the activities on the “Growbusters Initiative” in Vancouver. The issue has received a fair amount of media attention and has been the object of a review by the Office of Police Complaint Commissioner. As a result, law enforcement practices in that regard have apparently evolved during the period under review. [See: Campbell, Larry (2001). *The Growbusters Initiative – A Review of Police Conduct, Policy and Procedures*, Prepared for the Police Complaint Commissioner of British Columbia, July 2001].

a “no case” seizure approach was used involved the size of the marihuana cultivation operation. A “no case” seizure was three times more likely when the seizure involved less than ten plants, than in cases involving ten plants or more. The relative frequency of “no case” seizures varied considerably from one police jurisdiction to another and sometimes also within the one jurisdiction over the four-year period.

Table 5.1: Percentage of Founded Marihuana Cultivation Cases Classified as ‘No Case’ Seizures British Columbia 1997-2000

Year	Percentage Which Were “No Case” Seizures*	
	All founded cases	Founded cases where a suspect was identified
1997	35 %	23 %
1998	50 %	36 %
1999	43 %	30 %
2000	48 %	34 %
Overall average	45 %	32 %

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

Table 5.2: Percentage of Founded Cases Which Were Classified as ‘No Case’ by the Number of Marihuana Plants Seized British Columbia 1997-2000

Year	Percentage* Which Were “No Case” seizures	
	Less than ten plants seized**	Ten or more plants seized
1997	46 %	14 %
1998	57 %	19 %
1999	50 %	14 %
2000	64 %	13 %
Overall average	54 %	15 %

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

** There were 109 such cases, i.e. a little over 1% of all founded cases.

When suspects were apprehended at the time of the search, they rarely resisted arrest and violence was involved in less than 1% of the cases (0.5 %). Although firearms were present in 5.9% of the cases, they were almost never used by the suspect at the time of arrest.

CHARGES

In those cases that were not treated as a “no case” seizures and were founded, a report was submitted to Crown counsel. These reports resulted in formal charges being laid against one or more of the suspects in 94% of the cases. In fact, that percentage was identical for each of the four years. During the four years under review, there was a total of 4008 cases which resulted in at least one charge being laid against at least one suspect. In the year 2000 alone, charges were laid against at least one suspect in 1,275 cases.

Table 5.3 provides detailed information on the charges that were laid by Crown counsels or agents in relation to the cases with which they initially proceeded. The number of charges in each of the three drug offence categories increased steadily each year. The number of charges laid yearly with respect to thefts of electricity increased significantly, in part because the documentation of the nature and extent of the theft was more often available from B.C. Hydro. The number of firearms-related charges remained stable from year to year.

**Table 5.3: Total Number of Charges Relating to Marihuana Cultivation Incidents
British Columbia 1997-2000**

Charge	Charges laid in relation to marihuana cultivation incidents				
	1997	1998	1999	2000	Overall
Production/cultivation	1099	1224	1873	1996	6192
P.P.T.*	832	980	1523	1623	4958
Simple possession	240	213	257	234	944
Theft of electricity	177	138	342	434	1091
Firearms	100	112	106	99	417
Other Criminal Code	102	68	146	90	406
Total	2550	2735	4247	4476	14,008

* Possession for the purpose of trafficking.

In the case of 93% of the 4,763 suspects who were charged in British Columbia in relation to the marihuana cultivation incidents uncovered during the four years under review, the main charge was production of marihuana¹⁰ (see *Table 5.4*). It was accompanied by other charges in 88% of the cases. Offenders were also frequently charged with possession of marihuana for the purpose of trafficking, but almost always in conjunction with a marihuana production charge. Very few

¹⁰ There were also 144 other suspects for whom there were outstanding warrants for their arrest.

suspects (114 during the four-year period) were charged only with simple possession of marihuana. In these cases, the average number of plants seized was 88. When an operation involved more than one suspect, it was not uncommon for only one of them to be charged, apparently as a result of plea bargaining practices. Firearms-related charges were laid in the vast majority of cases where a firearm was seized.

The charges that had initially been laid during the period under study had not always been disposed of at the time the data was being collected. That was the case of 30% of the total number of charges mentioned above, or 4,200 charges.¹¹ For example, given that the data was being collected during the summer of 2001, more than half of the charges laid during the year 2000 had not yet been disposed of at that time. Therefore, the analysis presented in the remainder of this report is based on an analysis of the 9,808 charges laid that had already received a disposition at the time of the data collection. These charges involved a total of 4,763 offenders.

**Table 5.4: Percentage of Charged Suspects by Type Of Charges
Marihuana Cultivation Operations
British Columbia 1997-2000**

Charge	Percentage* of offenders charged		
	By offence	In addition to a production charge	One offence and no other
Production	93 %	-	12 %
P.P.T.***	72 %	70 %	2 %
Simple possession	17 %	14 %	3 %
Theft of electricity	13 %	12 %	0 %**
Firearms****	7 %	7 %	0 %**
Other Criminal Code	5 %	4 %	0 %**

N = 4763

* 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 32, which is less than 1% of the total.

*** Possession for the purpose of trafficking

**** Charges relating to firearms were laid in 48% of the cases where weapons were seized. Note that the weapon was not necessarily a firearm.

DISPOSITIONS

Lengthy delays in having the matter dealt with in court were frequently observed and explain why the disposition of the charges was unknown in such a large proportion of cases at the time of data collection. When criminal charges were laid, as *Table 5.5* indicates, a stay of proceedings was often entered by the Crown. During the four years under review, in those situations where the case disposition was known at the time of data collection, proceedings were suspended in

¹¹ The percentage of charges which had received a disposition by the time of data collection was, for each of the four years considered, as follows: 1997: 96%, 1998: 85%, 1999: 70%, 2000: 46%.

relation to all charges that had initially been laid in the cases of 43% of the suspects. The suspects for whom all charges were stayed were predominantly female (see *Table 5.6*). Female suspects were twice as likely as male suspects to have all proceedings stayed against them. In most cases of multiple suspects, charges were maintained against the male suspects and withdrawn for the female suspect or suspects. In cases where a female was the only suspect, the proceedings were stayed in 25% of the cases (as opposed to 19% of the cases for male suspects).

**Table 5.5: Percentage of Suspects Whose Charges Were Stayed
Marihuana Cultivation Cases
British Columbia 1997-2000**

Number of charges faced by suspect	Number of suspects charged	Percentage* of suspects** and stay of proceedings		
		All charges stayed	Only some charges stayed	None of the charges stayed
One charge	856	43 %	0 %	57 %
Two charges	2841	45 %	45 %	11 %
Three charges	902	39 %	53 %	8 %
Four charges	147	44 %	48 %	8 %
Five charges	16	38 %	56 %	6 %
Six charges	1	0 %	0 %	100 %
Total suspects	4763	43 %	38 %	18 %

* 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 5.6: Gender of Suspects in Whose Case Proceedings Have Been Stayed With Respect to All Charges in Marihuana Cultivation Cases
British Columbia 1997-2000**

Number of charges faced by suspects	Percentage* of suspects** for whom all charges were stayed		
	Males	Females	Overall
One charge	36 %	73 %	43 %
Two charges	35 %	74 %	45 %
Three charges	30 %	70 %	39 %
Four charges	33 %	87 %	44 %
Five charges	18 %	80 %	38 %
Six charges	0 %	0 %	0 %
Overall	34 %	74 %	43 %

* 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.

When looking at all the charges that had been laid (many of them concurrently against the same offender or against offenders involved in the same case) during the four years, it is noteworthy that proceedings were stayed by the Crown in 65% of the charges. In cases where none of the initial charges were proceeded with, the reason most often mentioned in the files for that decision was that the prospect of obtaining a conviction in that case was minimal.

Production of marihuana charges were withdrawn in 53% of the cases, possession for the purpose of trafficking charges in 83% of the cases, and simple possession in 49% of the cases. The other charges, it seems, were not often proceeded with: charges related to the theft of electricity were withdrawn in 76% of the cases, charges related to firearms (often unsafe storage charges) were withdrawn in 63% of the cases and charges related to other criminal code offences in 68% of the cases.

CONVICTIONS

In cases where one or more charges were proceeded with, convictions were obtained over 75% of the time (see *Table 5.7*). In most of such instances, suspects were convicted of only one offence. During the period under review, there was a total of 2,255 cases resulting in at least one conviction. There were 2,551 offenders who were convicted of at least one offence related to a marihuana cultivation operation (see *Table 5.8*). *Table 5.9* shows the percentage of offenders charged with various offences who were actually convicted of those offences.

**Table 5.7: Cases in Which Disposition was Known in Marihuana Cultivation Cases
British Columbia 1997-2000**

Dispositions	Percentage* of cases** (number in parentheses)		
	Cases involving only one accused	Cases with more than one accused	All cases
All charges were stayed	20 % (255)	22 % (364)	21 % (619)
Accused(s) found “not guilty”	3 % (44)	4 % (71)	4 % (115)
At least one accused was convicted	77 % (1008)	74 % (1247)	75 % (2255)
Total number cases***	1307	1682	2989

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

** Excludes cases where charges were outstanding and or warrants were outstanding.

***Includes only those cases for which disposition was known at the time of data collection.

**Table 5.8: Suspects Convicted of Offences Related to Marihuana Cultivation Cases
British Columbia 1997-2000**

Number of convictions	Number of suspects	Percentage of total number of suspects convicted
Convicted of one offence	2081	82 %
Convicted of two offences	409	16 %
Convicted of three offences	51	2 %
Convicted of four offences	9	0 %
Convicted of five offences	1	0 %
Total number convicted	2551**	100 %

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

** Represents 54 % of all suspects dealt with, and 97 % of all suspects adjudicated.

**Table 5.9: Suspects Charged and Convicted, by Type Of Charge in Marihuana Cultivation Cases
British Columbia 1997-2000**

Type of charge	Percentage of accused charged with offence	Percentage of offenders charged who were convicted of offence
Production	93 %	43 %
P.P.T.**	72 %	14 %
Simple possession	17 %	48 %
Theft of electricity	13 %	19 %
Firearms	7 %	35 %
Other Criminal Code offences	5 %	34 %

N = 4763

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

** Possession for the purpose of trafficking

In summary, in terms of action taken, there is a high percentage of "no case" seizures (i.e. 45%). However, in most jurisdictions "no case" seizures *generally* arose out of situations where there was no identifiable suspect, the number of plants was relatively small, or the circumstances were such that a consent search was the most appropriate course of action at the time.

Among remaining cases (i.e. case seizures), it is notable that a very high percentage (i.e. 94%) of charges recommended by police were approved by Crown counsel. Further, that percentage remained stable over the four years under review.

Finally, as Table 5.10 shows, while only 32% of approved charges resulted in convictions, and while only 54% of the accused associated with those charges were found guilty, 75% of the cases (i.e. files) associated to those approved charges resulted in at least one accused being found guilty.

Table 5.10: Summary Comparison of Action Taken on the Charges, Accused, and Files Associated with Cases Approved by Crown Counsel in Marihuana Cultivation Cases British Columbia 1997-2000

Status	Charges Involved	Accused Involved	Files Involved
Number approved**	9808	4763	2989
Number stayed	6,414 (65%)	2048 (43%)	619 (21%)
Number referred to court	3394 (35%)	2715 (57%)	2370 (79%)
Number found not guilty	301 (3%)	164 (3%)	115 (4%)

Number resulting in conviction	3093 (32%)	2551 (54%)	2255 (75%)
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*Percentage in brackets represents percentage of number approved.

**As noted on pages 58 and 59 of the report, the number of approved charges (which are 94% of charges recommended by police) referred to here only includes those cases which had already received a disposition at the time of the data collection.

Chapter 6

Sentencing

It is not easy to present an accurate picture of the complex sentencing patterns that emerge when looking at the sentences imposed on convicted offenders in relation to marihuana cultivation operations. The difficulty arises out of a number of complicating factors. First, suspects who were accused in relation to their involvement in a marihuana cultivation operation were often charged, as we have already seen, with multiple offences. The initial charges laid usually included a production of marihuana charge (97% of the cases) and a possession for the purpose of trafficking charge (72% of the cases). Other charges were also often involved, such as charges relating to the simple possession of marihuana, the possession of other controlled substances, theft of electricity, firearm related offences and various other Criminal Code offences. Secondly, the accused individuals frequently pleaded guilty to one or more charges, not necessarily the drug production charge, based on an agreement with the Crown that other charges would not be proceeded with. Accordingly, 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. Thirdly, in most instances, convicted offenders received multiple dispositions for either the various related charges or even one single charge (e.g., some combination of prison, probation, fine, or restitution). Finally, when an offender was sentenced to several dispositions for different charges, these sentences could be ordered served either concurrently or consecutively. The following attempts to give a clear picture of the sentencing patterns observed attempts to capture the capture the complexity of these patterns.

TYPE AND SEVERITY OF PENALTY IMPOSED

Table 6.1, displays the percentage of cases where various penalties were awarded as part of a sentence, broken down by year. The most frequent sentences are conditional imprisonment, probation and fines. During the four-year period under review, a fine was part of the sentence ordered by the court in 42% of the cases and, in a little over half of these instances, it was the only penalty. During that same period of time, imprisonment was included in the sentence ordered by the court in only 18% of the cases. When ordered, imprisonment was accompanied by another penalty in 64% of the cases (e.g. a fine, a probation term, or a restitution order).

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 British Columbia 1997-2000

Disposition	Percentage of cases*				
	1997	1998	1999	2000	Overall
Prison	19 %	17 %	19 %	18 %	18 %
Conditional prison	15 %	26 %	33 %	42 %	29 %
Probation	28 %	27 %	25 %	23 %	26 %
Fine	48 %	46 %	37 %	38 %	42 %
Community service order	5 %	6 %	6 %	9 %	7 %
Restitution	8 %	4 %	7 %	9 %	7 %
Firearms prohibition order	5 %	12 %	34 %	55 %	27 %
Conditional or absolute discharge	3 %	3 %	4 %	4 %	4 %

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

During the four years considered, there was a noticeable yearly increase in the number of cases in which the offender received a conditional imprisonment sentence. Such conditional sentences were accompanied by other penalties in 73% of the cases. A conditional prison sentence was the most serious disposition ordered by the court in 29% of the cases (see *Table 6.2*). Based on the fact that the proportion of cases in which a firm prison sentences was ordered remained fairly constant during the time period, it seems that conditional imprisonment was not being resorted to by sentencing judges as an alternative to a regular sentence of imprisonment (see *Table 6.1*).

Probation was part of the sentence in a quarter of the cases, but it was usually accompanied by other penalties. Probation, as a penalty used on its own, was imposed in only 18% of the cases. Finally, a firearms prohibition order was also part of the sentence in an increasingly large proportion of cases every year.

Table 6.2 reports the percentage of cases in which prison, conditional imprisonment, fines and other penalties were the most serious disposition awarded as part of the sentence. The most notable pattern which can be observed in *Table 6.2* is the relative decrease in the proportion of cases where a fine is the most serious disposition ordered by the court. *Table 6.3* shows, for each type of offence for which an offender was convicted, the percentage of cases in which each type of penalty was imposed by the courts.

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

British Columbia 1997-2000

Disposition	Percentage of cases*				
	1997	1998	1999	2000	Overall
Prison	19 %	17 %	19 %	18 %	18 %
Conditional prison	15 %	26 %	33 %	42 %	29 %
Probation	18 %	18 %	15 %	14 %	16 %
Fine	34 %	30 %	23 %	19 %	26 %
Community service order	-	-	0 %	-	-
Restitution	0 %	-	0 %	-	0 %
Firearms prohibition order	0 %	0 %	4 %	4 %	2 %
Conditional/absolute discharge	1 %	1 %	1 %	0 %	1 %

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

**Table 6.3: Percentage of Cases in Which a Particular Penalty was Imposed for the Offence for Which offenders Were Convicted And Penalty Imposed Depending On Whether Or Not The Offender was Also Convicted And Sentenced for Other Related Offences
Convictions in Relation to Marihuana Cultivation Cases
British Columbia 1997-2000**

Offence for which offenders were sentenced and whether offenders were also sentenced for other offence(s)	Percentage of Cases Where Penalty was Imposed							
	Prison (mths)	Conditional prison (mths)	Probation (mths)	Fine (\$)	CSO (hrs)	Restitution (\$)	Firearms Prohibition	Discharge
Production	20 %	33 %	23 %	31 %	7 %	6 %	31 %	2 %
No other offence	17 %	33 %	24 %	34 %	6 %	6 %	31 %	2 %
Other offence(s)	32 %	34 %	22 %	22 %	7 %	5 %	31 %	1 %
P.P.T.**	27 %	31 %	27 %	38 %	6 %	3 %	22 %	2 %
No other offence	22 %	27 %	34 %	49 %	7 %	2 %	16 %	1 %
Other offence(s)	31 %	36 %	23 %	28 %	5 %	3 %	28 %	2 %
Possession	5 %	8 %	23 %	68 %	4 %	4 %	4 %	11 %
No other offence	1 %	6 %	23 %	72 %	4 %	5 %	3 %	13 %
Other offence(s)	21 %	20 %	21 %	47 %	3 %	3 %	11 %	1 %
Theft	27 %	27 %	27 %	25 %	3 %	39 %	11 %	1 %
No other offence	0 %	20 %	50 %	50 %	0 %	50 %	0 %	10 %
Other offence(s)	30 %	28 %	25 %	22 %	4 %	38 %	12 %	0 %
Firearms	21 %	19 %	22 %	52 %	5 %	2 %	42 %	0 %
No other offence	0 %	19 %	31 %	63 %	13 %	0 %	25 %	0 %
Other offence(s)	24 %	19 %	20 %	50 %	4 %	2 %	45 %	0 %
Other C. Code	36 %	15 %	31 %	28 %	2 %	1 %	21 %	7 %
No other offence	33 %	17 %	50 %	21 %	8 %	0 %	17 %	25 %
Other offence(s)	37 %	14 %	24 %	30 %	0 %	2 %	22 %	0 %

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

** P.P.T.: Possession for the purpose of trafficking.

When charged with production of marihuana, offenders were sentenced to prison in one out of five instances and to a conditional term of imprisonment in one-third of the cases. The likelihood that an offender would receive a prison sentence if charged with possession for the purpose of trafficking increased slightly.

During the period considered, the maximum term of imprisonment imposed for offences related to a marihuana growing operation was 50 months; the maximum term of conditional imprisonment was 60 months, and the maximum length of a probation term was 36 months. The

largest fine imposed was \$17,500 and the largest amount of restitution ordered was \$17,923. Restitution orders were, in the majority of cases, ordered in favour of B.C. Hydro which often went through the trouble of preparing a credible assessment of the loss it had sustained. Community service orders were never greater than 200 hours.

Table 6.4 shows the average quantum of the penalties imposed in each year of the period under review for all offences involved in relation to a marihuana growing operation. The prison sentences ordered by the court were of an average length of 4½ months. They were slightly longer (by 13 %) when the offender was also being sentenced to a concurrent prison term in relation to another related offence. The average length of conditional prison terms imposed (7½ months) was longer than the average firm sentence of incarceration (4½ months), but much lower than the average length of a term of probation (i.e., a little over a year). The average quantum of the penalties imposed have remained stable over the period of time, with the exception of the average amounts of the fines and restitution orders. It seems that the average amount of the fines imposed and the average amount of restitution ordered both decreased somewhat in the last two years of the period considered.

**Table 6.4: Average Quantum of the Penalties Imposed by Type of Penalty
Marihuana Cultivation Cases
British Columbia 1997-2000**

Type of disposition	Average quantum of penalties imposed					
	1997	1998	1999	2000	Overall	Concurrent sentence premium*
Prison (months)	3.6	5.1	4.5	4.7	4.5	13 %
Conditional Prison (months)	6.6	7.6	7.0	8.1	7.4	18 %
Probation (months)	13.4	13.1	12.7	12.0	12.8	7 %
Fine (\$)	\$2017	\$1995	\$1853	\$1422	\$1845	- 6 %
Community service hours	64	97	63	67	73	29 %
Restitution (\$)	\$1952	\$2474	\$1285	\$1406	\$1670	- 33 %

* This percentage refers to the increase or decrease in the average quantum of the penalty imposed when the sentence was imposed concurrently to the a penalty of the same nature for a related offence.

Table 6.5 reveals the average quantum of the penalties awarded by the courts for each type of charges, as well as that average quantum depending on whether or not there were other charges.

**Table 6.5: Average Quantum of Penalty Imposed Depending on the Offence for Which the Offender was Convicted and Sentenced, and Penalty Imposed Depending on Whether or Not the Offender was Also Convicted and Sentenced for Other Related Offences
Convictions In Relation To Marihuana Cultivation Cases
British Columbia 1997-2000**

Offence for which offenders were sentenced and whether offenders were also sentenced for other offence(s)	Average quantum of the penalty imposed					
	Prison (months)	Conditional prison (months)	Probation (months)	Fine (\$)	CSO (hours)	Restitution (\$)
Production	4.6	7.5	13.5	\$2313	74	\$1712
No other offence	4.1	7.2	13.4	\$2261	71	\$1652
Other offence(s)	5.5	8.7	13.9	\$2620	86	\$1985
P.P.T.**	4.6	8.0	13.0	\$2395	92	\$2052
No other offence	3.0	6.9	11.9	\$2552	84	\$1648
Other offence(s)	5.5	8.7	14.3	\$2197	103	\$2232
Possession	3.4	7.3	9.9	\$869	53	\$210
No other offence	0.7	7.4	9.1	\$916	55	\$233
Other offence(s)	4.2	7.1	14.4	\$508	40	\$43
Theft	2.8	7.3	12.4	\$937	78	\$1854
No other offence	-	12.0	12.0	\$1180	-	\$1085
Other offence(s)	2.8	7.0	12.4	\$886	78	\$1948
Firearms	3.5	7.5	16.0	687	70	\$1614
No other offence	-	3.3	16.2	\$545	25	-
Other offence(s)	3.5	8.2	16.3	\$715	93	\$1614
Other C. Code	8.8	5.9	12.7	\$545	68	\$3250
No other offence	19.1	6.8	12.1	\$370	68	-
Other offence(s)	5.2	5.6	13.2	\$591	-	\$3250

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

** P.P.T.: Possession of marihuana for the purpose of trafficking.

SEVERITY OF PENALTIES AND SIZE OF CULTIVATION OPERATIONS

To determine whether the severity of the penalties ordered by the court was related to the size of the marihuana growing operation, correlations between the amount of plants seized, or the amount of electricity stolen, and the severity of the penalties ordered by the court as part of the sentences were measured. That analysis is reported in *Table 6.6*. The number of plants involved in a particular growing operation (as an indicator of the seriousness of the offence) was associated with whether or not offenders were handed a prison term, a conditional prison term, or a fine. The number of plants involved was also significantly correlated with the severity of the penalties imposed.

Table 6.6: Relationship Between the Severity of the Penalties Imposed and the Size of the Marihuana Cultivation Operation - Offenders Sentenced for Offences Related to Marihuana Cultivation Operations

British Columbia, 1997-2000

Penalties	Correlation between severity of penalties and	
	Number of plants seized	Amount of hydro theft
Number of months prison awarded	.12**	.01
Number of months conditional prison awarded	.26**	.08
Number of months probation awarded	.11**	.05
Dollar value of fines awarded	.15**	.34**
Number of hours of community service awarded	.29**	-.05
Dollar value of restitution awarded	.38**	.44**

* Correlation is significant at the .05 level.

** Correlation is significant at the .001 level.

SEVERITY OF PENALTY AND OFFENDERS' CRIMINAL HISTORY

The seriousness of the criminal history of the offenders involved (as measured by the number of previous convictions) was correlated to whether or not offenders were sentenced to a firm prison term, but not to the length of the prison term imposed. Generally speaking, the quantum of the penalty imposed was not significantly associated with the seriousness of the offenders' history of prior criminal convictions nor to the number of their past drug trafficking or production offence convictions. The only notable exception was a correlation between the number of prior drug convictions and the length of firm prison sentence imposed. The more drug convictions, the lengthier the prison sentence imposed. Although the difference in the length of the prison sentences imposed may not be a large one, the correlation between the two variables is, nonetheless, statistically significant.

Whether or not an offender was ordered to pay a fine or restitution was associated with whether or not the case involved the theft of electricity, and the amount of the fine or restitution ordered was also correlated with the value of electricity that was stolen. The greater the theft, the larger the fine was.

As seen before, offenders convicted of an offence related to a marihuana cultivation operation are not particularly likely to be sentenced to a prison term. That likelihood is less than one chance out of five (18%). However, as *Table 6.7* shows, that likelihood increases somewhat once an offender has several prior convictions. The severity of that prison sentence was not significantly affected by whether or not an offender had a record of prior criminal convictions, or

even by whether or not an offender had multiple previous convictions. The average prison term to which offenders were sentenced was 4.5 months.

**Table 6.7: Percentage of Offenders Who Received a Prison Term for an Offence Related to a Marihuana Cultivation Operation and Average Length of Prison Terms, by Offenders' Number of Previous Criminal Convictions of Any Type
British Columbia 1997-2000**

Offenders' number of previous convictions	Percentage* of convicted offenders sentenced to prison	Average length of prison term (in months)
None	14 %	3.7
1	17 %	4.2
2	15 %	4.2
3	12 %	3.1
4	21 %	3.6
5	19 %	5.9
6	27 %	6.7
7	27 %	3.8
8	22 %	6.5
9 or more	30 %	5.2
All offenders	18 %	4.5

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

Table 6.8, in turn, focuses on whether offenders had a record of previous convictions relating to drug offences among offenders who have a prior history of trafficking and/or production. It shows that such offenders who had a record of previous drug convictions were more likely to receive a prison term depending on how many such convictions they had already received.

**Table 6.8: Percentage of Offenders Who Received a Prison Term for an Offence Related to a Marihuana Cultivation Operation and Average Length of Prison Terms, by Offenders' Number of Previous Convictions for Drug Trafficking or Production Related Offences
British Columbia 1997-2000**

Offenders' number of previous drug related convictions*	Percentage** of convicted offenders sentenced to prison	Average length of prison term (in months)
1	22 %	5.0
2	27 %	6.5
3	29 %	4.6
4	35 %	4.4
5	47 %	12.6
6	44 %	7.7
7	36 %	3.3
8	27 %	5.5
9 or more	60 %	9.8
All offenders	30 %	5.9

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

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

When one looks at both the offenders' criminal history and the relative size of the marihuana cultivation operation in which they were involved in *Table 6.9*, one can observe that a combination of both factors can influence both the likelihood that an offender will be sentenced to a prison term as well as the relative severity of that sentence. The offenders' likelihood of being sentenced to prison, regardless of their criminal history, is increased when they were involved in an operation in which more than 100 plants were seized.

**Table 6.9: Percentage of Offenders With Prior Convictions Sentenced to a Prison Term and Average of Prison Terms, by Size of the Marihuana Cultivation Operation
British Columbia 1997-2000**

Offenders' number of prior convictions	Cases involving less than 100 plants		Cases involving 100 plants or more	
	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	11%	2.7	18 %**	4.1 ***
1-4 convictions	11%	3.5	22 % **	4.2
5-7 convictions	24 %	5.9	26 %	4.9
More than 7 convictions	24 %	5.5	38 % **	5.4

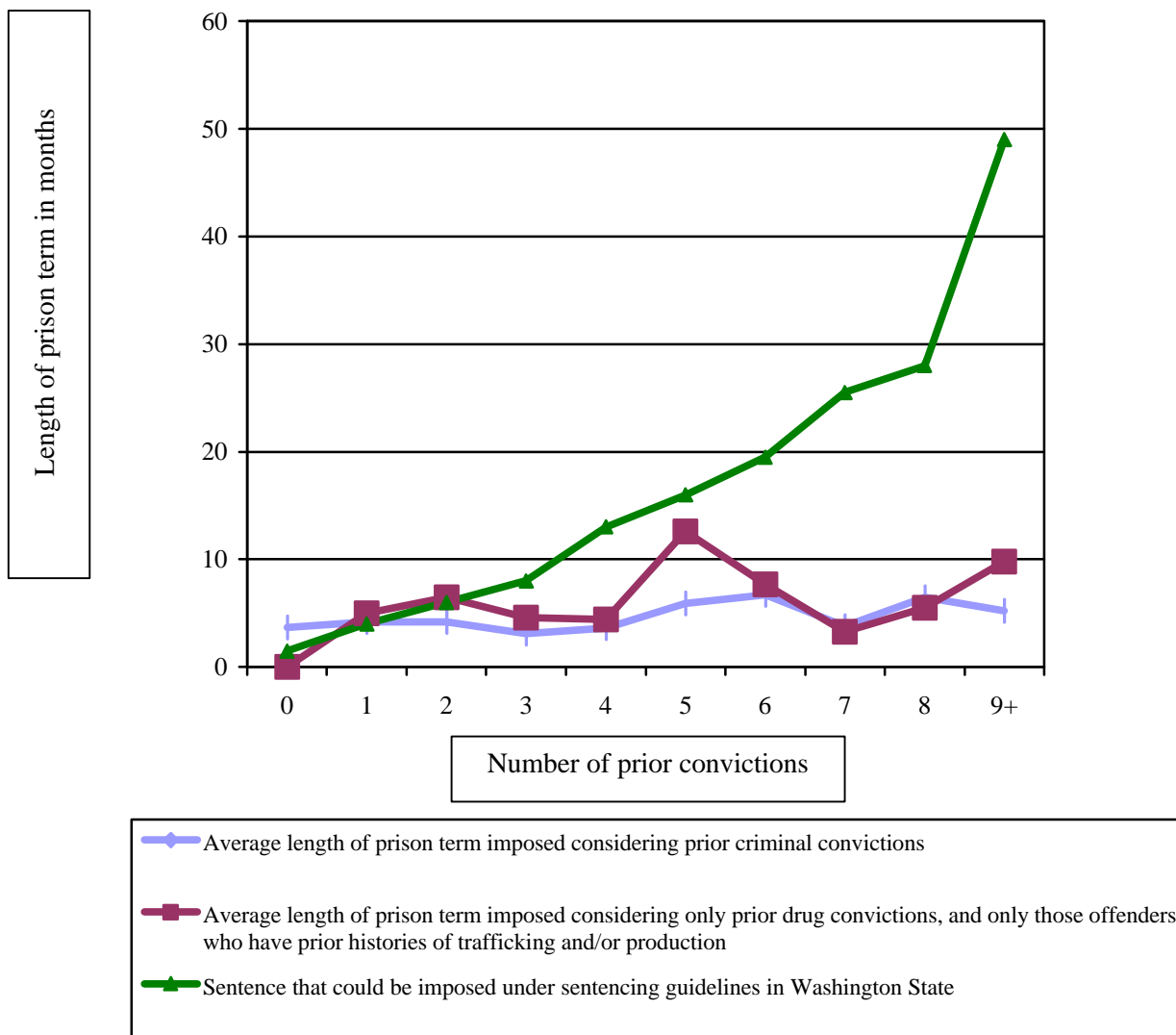
* All percentages have been rounded to the nearest whole number.

** The differences in percentages are statistically significant at the .01 level.

*** The differences in the length of prison term is statistically significant at .001 level.

Figure 6.1 graphically depicts the lack of influence of the offenders' number of prior criminal convictions on the length of the prison sentence they were likely to receive, in the fairly unlikely event that they would be sentenced to prison, as a result of a conviction for an offence related to a marihuana cultivation operation in British Columbia during the four years under review. The graph also includes, for the sake of comparison, the length of the prison term that would have been imposed under the sentencing guidelines currently applied in the neighboring State of Washington, assuming that none of the prior convictions involved a trafficking or production conviction.

Figure 6.1: Average Length of Prison Term Imposed in Marihuana Cultivation Cases British Columbia 1997-2000



* Washington state guidelines assessment here ignores enhancements concerning volume of drugs, weapons, and location of seizures. It also ignores prior trafficking and production offences.

Table 6.10 pursues the same comparison with sentencing patterns under the Washington State sentencing guidelines, and shows why it makes a lot of sense for potential marihuana growers to establish their operation north rather than south of the border between British Columbia and Washington State.

**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
British Columbia 1997-2000**

Sentencing Range*	Percentage** of offenders who would have received prison sentence within range	Percentage of offenders whose prison sentence actually fell within range
Minimum 20 years	1 %	
Minimum 10 years	10 %	
Minimum 5 years	48 %	
43 - 57 months	5 %	
33 - 43 months	1 %	
22 - 29 months	1 %	
17 - 22 months	1 %	
14 - 18 months	1 %	
12 - 14 months	2 %	1 %
4 - 12 months	2 %	1 %
3 - 9 months	4 %	2 %
2 - 6 months	3 %	5 %
0 - 3 months	22 %	10 %
No prison		82 %

* Note that under the Washington State Sentencing Guidelines all prison sentences are accompanied by 12 months of community supervision.

Appendix 1

INCIDENT FORM

Var. #	Code	Variable Description and Values
1		ID # (Use assigned numbers)
2		File Year (1=1997, 2=1998, 3=1999, 4=2000)
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

Appendix 2**SUSPECT SHEET**

ID# _____

Number	Code	Variables Description and Values	
1		Surname:	Ethnicity: 1= Caucasian 2=Oriental (except Vietnamese) 3=East Indian 4=Black/African 5=Aboriginal 6=Other 7=Vietnamese
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)

Appendix 3

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

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

21.		Year of cultivation # 3
22.		Jurisdiction of cultivation # 3
23.		File of cultivation # 3
NOTES		

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N.B. The views expressed in this report are those of the authors and do not necessarily reflect those of the organizations involved.