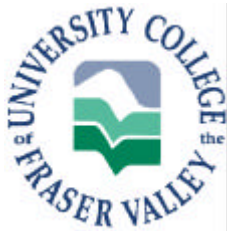


MARIHUANA TRAFFICKING INCIDENTS IN BRITISH COLUMBIA

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

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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.

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INTRODUCTION

Marihuana cultivation and trafficking is an illicit industry which has reached dramatic proportions in British Columbia. In the year 2000, for example, 44% of all the incidents of marihuana cultivation known to the police in Canada occurred in that province. There were 4,802 suspected marihuana cultivation incidents and 1,024 marihuana trafficking incidents that came to the attention of the police in British Columbia. Through these activities, massive amounts of marihuana is produced each year which must either be sold in the province or transported to other provinces or to other countries.

Official crime statistics classify trafficking in cannabis as a separate category of offences. The main elements of the offence of trafficking include both trafficking and possession for the purpose¹. Trafficking is itself defined as “to sell, administer, give, transfer, transport, send or deliver the substance” or offer to do so.

The frequency of marihuana trafficking offences officially recorded in British Columbia does not seem to reflect the amount of activity that can be assumed to be taking place given the prolific activities of marihuana growers. According to the *Canadian Crime Statistics Report - 2000*, published by the Canadian Centre for Justice Statistics, neither the number nor the rate of marihuana trafficking offences in British Columbia are proportional to the volume of activities recorded with respect to marihuana growing operations in the province (see: Table 1). In addition, the rate of marihuana growing operations in British Columbia has increased yearly, while the rate of trafficking offences has either decreased or remained stable, depending on the period of time one considers (see: Figure 1).

¹ See Section 5 of the *Controlled Drugs and Substances Act* (S.C. 1996, C.19)

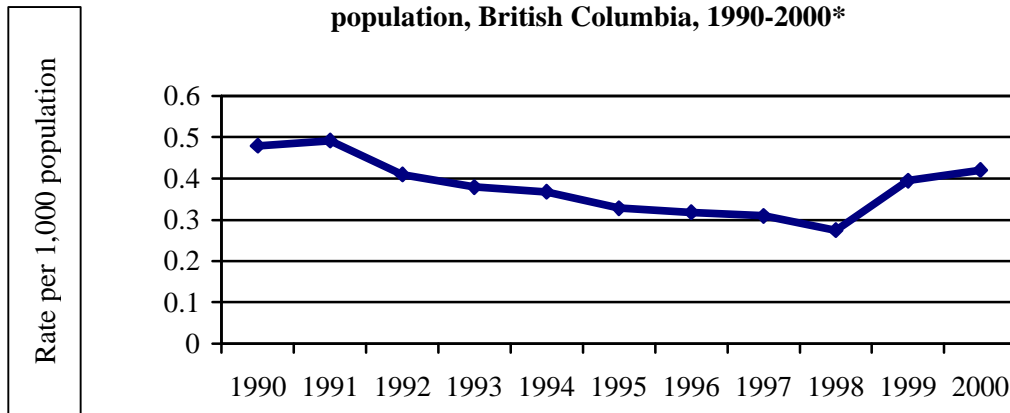
**Table 1: Marihuana Trafficking Incidents by Province
Uniform Crime Reporting Survey, 2000**

	NFLD	PEI	NS	NB	PQ	ON	MB	SK	AB	BC	TERR	CAN
Frequency	251	40	382	410	2799	2915	422	413	1168	1712	174	10686
Percentage* of national total	2.35	0.37	3.57	3.84	26.19	27.28	3.95	3.86	10.93	16.02	1.63	99.99
Rate per 1000 population	0.47	0.29	0.41	0.54	0.38	0.25	0.37	0.40	0.39	0.42	5.35	0.35

Source: Canadian Centre for Justice Statistics - Statistics Canada, *Canadian Crime Statistics, 2000* - Catalogue no. 85-205
* Percentages have been rounded off to two decimal places.

According to the data published by the Ministry of Attorney General of British Columbia², the rate per 1,000 population of marihuana trafficking offences with which the police had to deal during the last 11 years has not increased in the province. It was 0.479 per 1,000 population in 1990 and 0.42 in 2000. This apparent discrepancy observed between law enforcement activities relating to marihuana cultivation operations and those relating to marihuana trafficking is something that deserves further examination.

Figure 1: Trafficking in cannabis - Rate per 1,000 population, British Columbia, 1990-2000*



* Source: Police Services Division, Ministry of Attorney General (2000). *Police and Crime Statistics 1990-1999*. Victoria, B.C.

² Police Services Division, Ministry of Attorney General (2000). *Police and Crime Statistics 1990- 1999*.

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 conducted concurrently with a survey of marihuana cultivation cases in the province of British Columbia for the period between 1997 and 2000³.

The study was made possible by the cooperation of every single police jurisdiction in the province. Data could therefore be collected on all cases of marihuana trafficking that came to the attention of the police anywhere in the province between January 1, 1997 and December 31, 2000. The data were collection during the summer of 2001 and analyzed the following fall.

The main purposes of the study were to present a complete picture of the marihuana trafficking cases that occurred in British Columbia during a four-year period, and to describe the law enforcement and criminal justice response given to those incidents. The study was designed to describe: (1) the prevalence and nature of the marihuana trafficking incidents that the police dealt with in British Columbia during a four-year period; and, (2) the measures taken in these cases at every stage of the criminal justice process.

The report contains five main sections each dealing respectively with: (1) a description of the marihuana trafficking cases that came to the attention of the police during the period considered; (2) a short description of the nature of the incidents; (3) a description of the suspects involved and their criminal history; (4) a description of the disposition of these cases by the justice system; and, (5) a description of the sentences imposed on the offenders who were convicted in relation to one of these offences.

³ PLECAS, D., DANDURAND, Y., CHIN, V., AND T. SEGGER (2002). *Marihuana Growing Operations in British Columbia - An Empirical Survey 1997-2000*. Abbotsford/ Vancouver: Department of Criminology and Criminal Justice, University College of the Fraser Valley, and International Centre for Criminal Law Reform and Criminal Justice Policy, May 2002.

METHOD

Based on the experience of a previous study on marihuana growing operations in three police jurisdictions in British Columbia⁴, and given that an analogous data collection exercise was also being planned in relation to marihuana cultivation incidents in the province, it was decided that the study on marihuana trafficking incidents would capture data for the four-year period between January 1, 1997 and December 31, 2000. The cooperation of every R.C.M.P. Detachment and municipal police force in the Province of British Columbia was obtained. In total, 149 police jurisdictions participated in the study.

Based on the revised list of data elements identified during a previous 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. The list was then used to develop the three data coding instruments which can be found in the *Appendices*, one for each case of marihuana trafficking offence that came to the attention of the police during the period considered (Appendix 1) and two for each offender involved in each case (Appendices 2 and 3).

Researchers visited virtually every R.C.M.P. detachment and municipal police department in the province and physically reviewed every police file⁵ coded as a marihuana trafficking file (according to the OSR Scoring Guide). They manually recorded and coded the information contained therein on the project data gathering and scoring sheets. A very few of the very sensitive files could not be accessed for security reasons. The information collected from each file included basic information concerning the suspect, the location of the offence, the nature and origin of the complaint, the police investigation, the circumstances of the offence and

⁴ CHIN, V., DANDURAND, Y., PLECAS, D. and T. SEGGER (2001). *The Criminal Justice Response to Marihuana Grow Operations in B.C.* Abbotsford/ Vancouver: Department of Criminology and Criminal Justice, University College of the Fraser Valley, and International Centre for Criminal Law Reform and Criminal Justice Policy, January 2001.

⁵ 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.

the search, the amount of marihuana involved, the presence of other drugs, the presence of weapons, as well as information on the decisions made by the prosecution and on the outcome of the sentencing process.

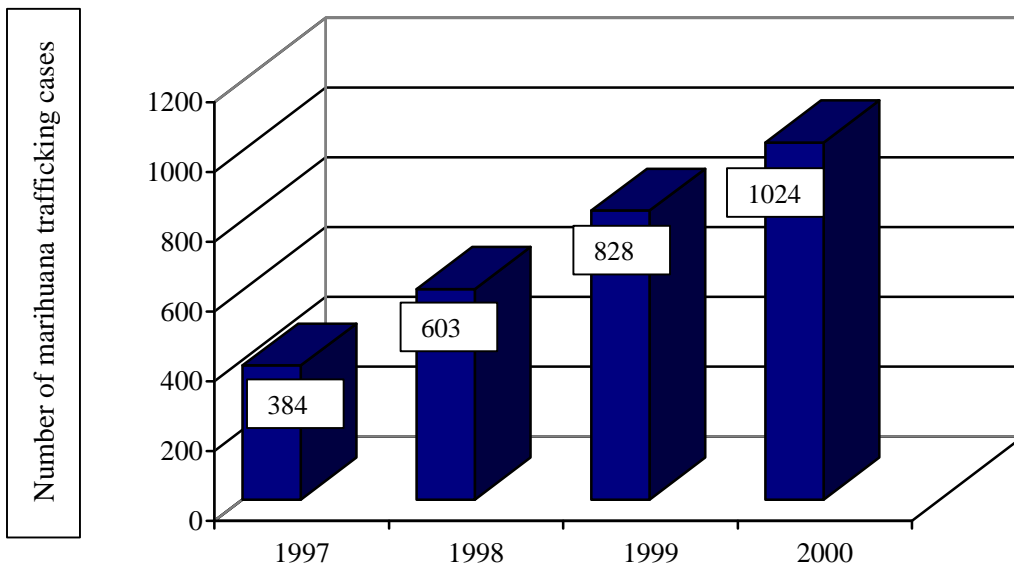
In every case, the initial suspect-related information collected from police files, such as the suspect's name and aliases, date of birth, or fingerprint sheet (F.P.S.) identification number, was subsequently used in order to conduct a criminal record check for each suspect and obtain a copy of the suspect's criminal record. The information on the suspects' criminal records was then coded and related by a unique identifier to the other data collected concerning the specific trafficking incident itself. After the data were collected and a database created, all information concerning the identity of individual suspects was removed from the database, and the data collection forms which included such information were destroyed. The final database thus prepared was analyzed using the statistical analysis program SPSS (version 10.1).

TRAFFICKING INCIDENTS COMING TO THE ATTENTION OF THE POLICE

There are two types of cases that find their way into official crime statistics concerning marihuana trafficking: cases where someone is in possession of a large amount of marihuana in the context of a marihuana cultivation operation which will frequently lead to possession for the purpose of trafficking charges, and cases where someone is either selling marihuana or in possession of a substantial amount of the substance for the purpose of trafficking. The review of police records which was conducted for the present study identified, for the four years under consideration, a total number of 1576 cases which involved a trafficking offence as a result of an offender being charged in relation to a marihuana cultivation operation, and a total of 2,839 marihuana trafficking incidents which were not directly related to a marihuana cultivation investigation.

The analysis presented in the present report focuses exclusively on those cases of marihuana trafficking incidents that were unrelated to a particular marihuana growing operation incident. The remainder of the present report will therefore refer to those cases as “trafficking cases”. *Figure 2* shows the number of such cases that were identified by the survey for each year under review. Some of the cases for the year 1997 were missed during the data gathering phase due to a change in the file coding system in use⁶.

Figure 2: Number of Marihuana Trafficking Cases That Came to the Attention of the Police Agencies British Columbia 1997-2000



It should be noted that 80 % of all the trafficking cases that came to the attention of the police during the four-year period from just three development areas of the province: Mainland/Southwest Region which includes the Greater Vancouver and the Lower Mainland areas (44.8 %), the Vancouver Island /Coast Region (20.1 %), and the Thompson/Okanagan Region (15.7 %). *Table 2* provides the distribution of these incidents for each of the development regions and regional districts of the province and displays the percentage change in these numbers between 1997 and 1997.

⁶ The number of these files was estimated to be less than 25, from the period January 1, 1997 to May 30, 1997. They were missed by the survey because they were classified under a coding system different from the one currently in use and used to guide the researchers in the identification of relevant files.

Table 2: Number of Marihuana Trafficking Cases Coming to the Attention Of Police Agencies in British Columbia 1997-2000

Development Region / Regional District	1997	1998	1999	2000	Percentage change since 1997
Greater Vancouver	174	238	409	397	128
Fraser Valley	27	27	38	47	74
Squamish-Lillooet	2	0	2	15	650
Mainland/Southwest	203	265	449	459	126
Comox-Strathcona	70	75	70	120	71
Sunshine Coast	10	29	35	30	200
Mount Waddington	2	9	18	25	1150
Cowichan Valley	1	7	10	12	1100
Nanaimo	6	8	3	8	33
Powell River	4	8	8	6	50
Alberni-Clayoquot	5	11	7	5	0
Capital	1	1	4	0	-100
Vancouver Island/Coast	99	148	155	206	108
Northern Okanagan	13	29	36	115	785
Thompson-Nicola	7	10	34	17	143
Central Okanagan	0	6	18	15	100
Okanagan-Similkameen	2	2	7	9	350
Columbia-Shuswap	0	12	27	5	100
Thompson/Okanagan	22	59	122	161	632
Fraser-Fort George	9	27	15	94	945
Cariboo	10	16	14	18	80
Cariboo Region	19	43	29	112	489
Central Kootenay	7	6	13	0	-100
East Kootenay	0	5	8	5	100
Kootenay Boundary	0	7	3	4	100
Kootenay Region	7	18	24	9	29
Kitimat-Stikine	4	22	20	35	775
Central Coast	4	15	6	11	175
Skeena-Qn Charlotte	8	12	2	7	-13
North Coast Region	16	49	28	53	231
Bulkley-Nechako	5	5	10	110	120
Stikine (region)	3	2	0		-100
Nechako Region	8	7	10	11	38
Peace River	9	10	10	8	-13
Northern Rockies	1	4	1	5	400
Northeast Region	10	14	11	13	30
Province Overall	384	603	828	1024	167

The various marihuana trafficking incidents came to the attention of the police in a number of ways, but the majority of the cases were not initiated as a result of a proactive policing (see *Table 3*). In 2000, for instance, 37 % of the incidents were discovered as a result of tips received by the police from anonymous callers or landlords and neighbors of the suspects and 32% of the cases came to the attention of the police as a result of routine check, investigations concerning unrelated incidents, or serving a warrant. A further 8% were uncovered as a result of traffic stop or an investigation into a traffic violation.

**Table 3: Sources Of Information On Marihuana Trafficking Cases
British Columbia 1997- 2000**

Source	Percentage of cases*				
	1997	1998	1999	2000	Overall
Crimestoppers	28	34	30	40	34
Other crime	6	5	5	5	5
Landlord	1	1	1	1	1
Routine check	31	21	27	23	25
Gen. investigation	20	25	26	15	21
Neighbors	3	2	1	2	2
Serving a warrant	2	2	2	2	2
Other	9	10	8	12	10

* Percentages have been rounded to the nearest whole number.

POLICE RESPONSE

When information came to the attention of the police about an alleged incident of marihuana trafficking, action was taken in a little over 80 % of the cases. In 2000, there was a larger proportion of cases than before in which no action was taken. Most cases were attended to within a very few days after receiving information, often within hours (see *Table 4*). A firearm

was present in 2.8% of the cases and other weapons in 3.5% of the cases. The search or the arrest was violently resisted in only a small proportion of the cases (2.5%).

Table 4: Average Number of Days Elapsed From Opening of Files and Response (by Year and By Region) Marihuana Trafficking Cases British Columbia 1997-2000

Region	1997	1998	1999	2000	Average for region
Mainland/Southwest	7.4	1.4	1.3	3.2	2.9
Cariboo	16.0	8.0	23.4	21.5	17.2
Kootenay	0.0	1.3	34.1	1.8	15.4
Thompson/Okanagan	0.3	22.8	3.3	5.9	8.6
Vancouver Is/Coast	3.1	2.8	1.4	0.5	1.8
Northeast	1.4	83.8	11.7	31.7	34.7
Nechako	0.0	0.0	0.0	1.6	0.5
Northeast	0.0	3.4	0.1	8.1	3.3
Province Overall	5.6	6.9	3.5	4.2	4.8

The complaints received proved to be founded, on average, in 75% of the cases (see *Table 5* and *Figure 3*). For the province as a whole, there was an increase of 114% between 1997 and 2000 in the number of founded cases of marihuana trafficking (see *Table 6*), although that increase occurred mostly in the Thompson/Okanagan and the Mainland/Southwest (including Vancouver and the Lower Mainland) regions.

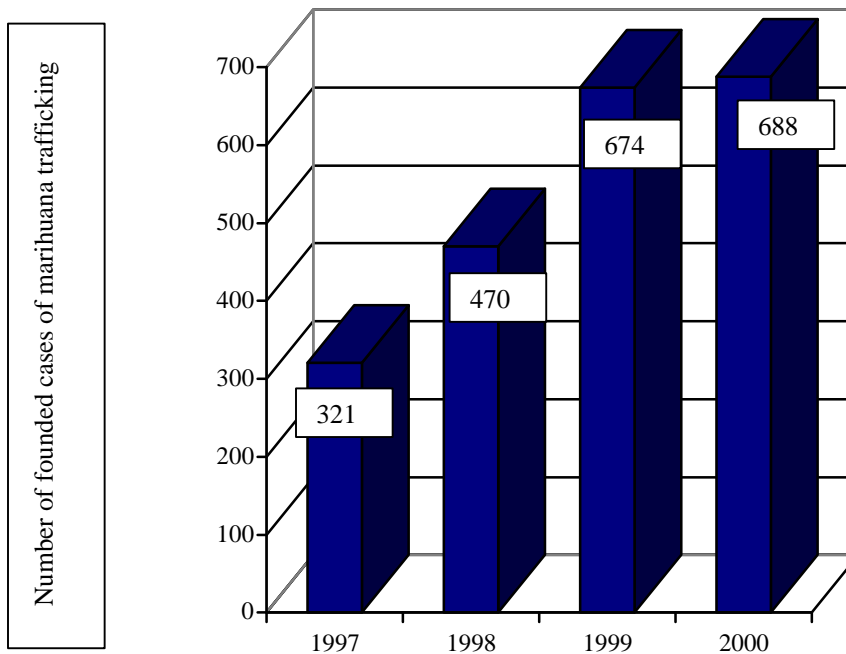
**Table 5: Action Taken and Subsequent Status of Complaint
Marihuana Trafficking Cases
British Columbia 1997-2000**

Year	Percentage* of cases			
	Where only initial action was taken**	Where no action taken	Unfounded	Founded
1997 <i>n = 384</i>	2	12	2	84
1998 <i>n = 603</i>	2	17	3	78
1999 <i>n = 828</i>	2	14	3	81
2000 <i>n = 1024</i>	2	25	6	67
Overall <i>N = 2839</i>	2	18	4	76

* Percentages have been rounded to the nearest whole number.

** Includes 6 cases found too late to take further action.

**Figure 3: Number of Founded Cases of Marihuana Trafficking
British Columbia, 1997-2000**



**Table 6: Number Of Founded Marihuana Trafficking Cases By Region
British Columbia 1997-2000**

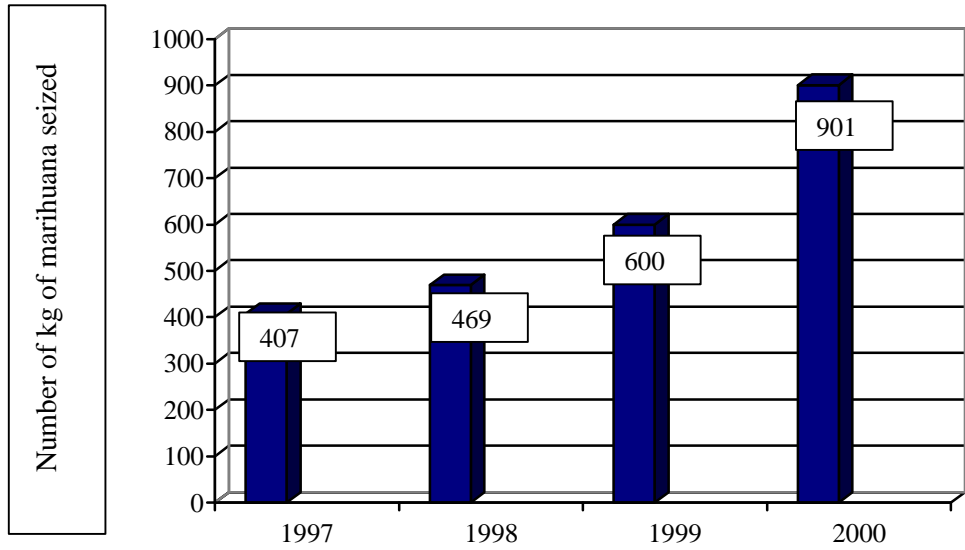
Region	1997	1998	1999	2000	Percentage increase 1997- 2000
Vancouver Is/ Coast	81	96	93	139	72 %
Mainland/Southwest	167	231	407	386	131 %
Thompson/Okanagan	18	53	96	81	350 %
Kootenays	6	17	23	8	33 %
Cariboo	17	26	16	26	53 %
North Coast	15	30	18	24	60 %
Nechako	8	5	10	11	38
Northeast	9	12	11	13	44
Total	321	470	674	688	114 %

N = 2153

AMOUNT AND VALUE OF MARIHUANA SEIZED

During the period under consideration, a total amount of 2,377 kilos of harvested marihuana was seized as well as 4,135 plants (see *Figure 4*). However, it should be noted that, in 58% of the cases, the amount seized was less than one ounce, and in 85% of cases the amount seized was less than a pound. There were relatively few cases involving large quantities of marihuana. In fact, the seizures actually involved a quantity of one kilogram or more in only 10% of the cases (see *Table 7*). In 10% of the cases other illicit drugs were also seized, usually in small quantities.

**Figure 4: Number Of Kilograms of Marihuana Seized - Marihuana Trafficking Offences
British Columbia 1997-2000***



* These quantities do not include plants seized in 56 cases (an average of 74 plants per case).

**Table 7: Amounts of Marihuana Seized Per Case and in Total
Marihuana Trafficking Offences
British Columbia 1997-2000**

Size of seizures	1997	1998	1999	2000	Overall
Percentage of cases involving less than 1 oz	62 %	53 %	59 %	60 %	59 %
Percentage of cases involving 1 oz to less than 1 lb.	27 %	35 %	24 %	22 %	26 %
Percentage of cases involving 1 lb. to less than 1 kg	5 %	4 %	5 %	6 %	5 %
Percentage of cases involving 1 kg to less than 10 kg	4 %	6 %	9 %	9 %	7 %
Percentage of cases involving 10 kg or more	2 %	2 %	3 %	3 %	3 %
Total number of kg seized	407	469	600	901	2377

* Percentages have been rounded to the nearest whole number.

There was a 121% increase between 1997 and 2000 in the amount of marihuana seized yearly in relation to marihuana trafficking offences. A fairly conservative estimate of the potential market value of the marihuana seized in one year, say during the year 2000, would place it somewhere between \$4 and \$6 million (see the various estimates generated in *Table 8*)

**Table 8: Range of Potential Market Value of Total Amount of Marihuana Seized
Marihuana Trafficking Offences
British Columbia 1997-2000**

Potential market value of a kilogram of marihuana	Total number of kilograms seized during year and estimated value				
	1997	1998	1999	2000	Total
	407kg	469kg	600kg	901kg	2377kg
Cost per kg at \$ 3,500	\$ 1,424,500	\$ 1,641,500	\$ 2,100,000	\$ 3,153,500	\$ 8,319,500
Cost per kg at \$ 5,000	\$ 2,035,000	\$ 2,345,000	\$ 3,000,000	\$ 4,505,000	\$ 11,885,000
Cost per kg at \$ 6,500	\$ 2,645,500	\$ 3,048,500	\$ 3,900,000	\$ 5,856,500	\$ 15,450,500
Cost per kg at \$ 8,000	\$ 3,256,000	\$ 3,752,000	\$ 4,800,000	\$ 7,208,000	\$ 19,016,000
Cost per kg at \$ 9,500	\$ 3,866,500	\$ 4,455,500	\$ 5,700,000	\$ 8,559,500	\$ 22,581,500

THE SUSPECTS

The 1,465 founded cases of marihuana trafficking identified during the four-year period involved a total of 2,579 suspects (see *Table 9*), that is an average of 1.7 suspect (see *Table 10*) per case. The total number of suspects involved in 2000 was more than twice that of 1997. They were predominantly male and their average age was 29 years old; very few (i.e. 8%) were young offenders.

**Table 9: Number of Suspects Identified With Marihuana Trafficking Cases
British Columbia 1997-2000**

Year	Number of suspects	Percentage known to have a prior criminal record*
1997	373	64 %
1998	618	62 %
1999	811	62 %
2000	777	65 %
Overall	2579	63 %

* Percentages have been rounded to the nearest whole number.

**Table 10: Selected Characteristics of Suspects Involved in Marihuana Trafficking Cases,
British Columbia 1997-2000**

Characteristics of suspects	1997	1998	1999	2000	Overall
Average number of suspects per case	2.1	1.8	1.6	1.5	1.7
Percentage* of male suspects	87 %	89 %	89 %	88 %	88 %
Percentage of female suspects	13 %	11 %	11 %	12 %	12 %
Percentage of suspects under the age of 18	10 %	9 %	8 %	7 %	8 %
Suspects from minority ethnic groups	22 %	20 %	20 %	21 %	20 %
Suspects of Vietnamese origin	1 %	2 %	2 %	4 %	3 %
Suspects of First Nations origin	15 %	12 %	11 %	12 %	12 %

* Percentages have been rounded to the nearest whole number.

Sixty three percent of all the suspects (1,656), had a record of prior criminal convictions that could be confirmed ⁷. The average length of the suspects' criminal history was eleven years, with an average of twelve prior convictions. They had been previously convicted, on average, in

⁷ In some cases, it was not possible to confirm whether a particular suspect had a record of previous conviction or not, often because the information on file did not allow a complete record search.

three jurisdictions. Sixty-six percent of the suspects had at least one prior drug conviction; on average they had four prior drug convictions; 56% of them had at least one prior conviction for a violent offence and had on average three such convictions. Fifty six percent had a record of a prior non-compliance offence (breach of probation, failure to appear, escape, etc.) (involving an average of four previous non-compliance offences). As a group, these offenders were highly recidivistic, with a conviction frequency of more than one per year.

According to their criminal records, 68% of these offenders had most frequently been convicted in the past in the province of British Columbia. However, the remaining 32 % of these offenders had most frequently been convicted in the past in the provinces of Ontario (11 %), Alberta (11 %), Quebec (4 %), and Saskatchewan (2 %). As *Table 11* shows, half of all the offenders with a prior conviction had a criminal record involving offences committed mostly in one or more of ten jurisdictions, five of them outside of the province. A significant proportion of the offenders involved in marihuana trafficking incidents in British Columbia were originally from other parts of the country.

**Table 11: Offenders Most Frequent Jurisdiction of Previous Conviction on Record
Marihuana Trafficking Offences
British Columbia 1997-2000**

Jurisdiction	Percentage
Vancouver	21 %
Calgary	5.0 %
Victoria	4.8 %
Toronto	4.1 %
Edmonton	3.6 %
Prince George	2.6 %
Montreal	2.4 %
Surrey	2.4 %
Kelowna	2.3 %
Burnaby	2.3 %
Total	50.5 %

The Charges

In 13% of the cases, the police exercised discretion and seized the marihuana without pursuing the matter any further. In all other cases a report was produced and forwarded to Crown counsel. In 98% of such instances, charges were laid against at least one accused. The total number of cases in which charges were laid during the four-year period was 1,846. The number of charges relating to these cases for each year is shown by *Table 12* below. *Table 13* shows the percentage of suspects who were charged with each of the offences involved.

**Table 12: Number of Charges Laid and Percentage of Them Without a Disposition at the Time the Data was Collected
Marihuana Trafficking Offences
British Columbia 1997-2000**

Charge	1997	1998	1999	2000	Overall
Trafficking	245 (27 %)*	499 (33 %)	602 (43 %)	532 (52 %)	1878 (41 %)
Possession	122 (8 %)	173 (12 %)	163 (22 %)	121 (18 %)	579 (15 %)
Firearms	8 (0 %)	11 (9 %)	14 (21 %)	21 (38 %)	54 (22 %)
Other criminal code crimes	22 (0 %)	45 (38 %)	61 (57 %)	65 (66 %)	193 (49 %)
Combined	397 (19 %)	728 (28 %)	840 (39 %)	739 (48 %)	2704 (36 %)

* Percentages have been rounded to the nearest whole number.

**Table 13: Percentage of Suspects Who Were Charged With Various Offences
Marihuana Trafficking Offences
British Columbia 1997-2000**

Offence	Percentage of suspects**		
	Charged with offence	Charged with the offence in addition to being charged with trafficking	Charged with the offence and no other offence
Trafficking	87 %	-	72 %
Possession	27 %	19 %	4 %
Firearms	2 %	2 %	0 %*
Other criminal code offences	9 %	7 %	2 %

N = 2164

* Rounded to zero as the percentage was less than 0.5 %. Note that all percentages have been rounded to the nearest whole number.

** Includes only those suspects who had their charges dealt with and it excluded 36 suspects for whom warrants were outstanding at the time of the file review.

In 24% of the cases, as *Tables 14* shows, the proceedings were stayed by the Crown in relation to all charges against all the suspects; 25% of the suspects had all charges against them stayed (see *Table 15*). The trafficking charge itself was stayed in 34% of the cases, although in many of these cases other charges were proceeded with.

**Table 14: Percentage of Cases in Which Charges Were Stayed or Which Resulted in the Conviction or Acquittal of at Least One Suspect
Marihuana Trafficking Offences
British Columbia, 1997-2000**

Outcome of case***	Cases involving only one suspect	Cases involving more than one suspect	Cases overall
Percentage of cases in which charges were stayed against all suspects	14 %	49 %	24 %
Percentage of cases in which all suspects were acquitted	3 %	3 %	3 %
Percentage of cases where at least one suspect was convicted	83 %	48 %	73 %
Total number of cases*	828	336	1164

* Percentages have been rounded to the nearest whole number.

** Only cases for which the disposition was known at the time of data collection.

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

**Table 15: Percentage of Suspects Who Had Their Charges Stayed*
Marihuana Trafficking Offences
British Columbia 1997-2000**

Number of charges faced by suspect	Number of suspects in which disposition was known	Percentage of suspects who had all charges stayed	Percentage of suspects who had some but not all charges stayed	Percentage of suspects who did not have any charges stayed
Charged with one offence	1091	27 %	-	73 %
Charged with two offences	307	21 %	55 %	24 %
Charged with three offences	27	11 %	78 %	11 %
Charged with four offences	2	0 %	100 %	0 %
Total charged	1427	25 %	13 %	62 %

N = 1427

* Percentages have been rounded to the nearest whole number.

A total of 1,040 suspects were convicted during the period under consideration, 70% of them for more than one offence (see *Table 16*).

**Table 16: Number of Suspects Charged and Percentage of Suspects Convicted By Offence
Marihuana Trafficking Offences
British Columbia 1997-2000**

Charge	Number of suspects charged	Percentage of suspects convicted of the offence	Percentage of suspects convicted of at least one offence
Trafficking	1250	55 %	73 %
Possession	526	69 %	79 %
Firearms	43	49 %	86 %
Other criminal code offence	119	40 %	79 %
Overall	1427	-	73 %

* Percentages have been rounded to the nearest whole number.

SENTENCING

In cases where a final disposition had been reached at the time of data collection, offenders were sentenced to imprisonment in 27% of the time and it was accompanied by another penalty in 47% of these instances. Offenders were sentenced to a conditional term of imprisonment in 15% of the cases and it was accompanied by another penalty in 58% of the cases (see *Tables 17 and 18*). When a term of probation or a fine was imposed by the court, each was the most serious penalty imposed in 17% and 29% of the cases respectively (see *Table 19*).

**Table 17: Percentage of Cases Where Prison or Other Penalties
Were Imposed as Part of Offender's Sentence
Marihuana Trafficking Offences
British Columbia 1997-2000**

Disposition	1997	1998	1999	2000	Overall
Prison	22 %	30 %	29 %	24 %	27 %
Conditional Prison	12 %	14 %	14 %	15 %	15 %
Probation	40 %	40 %	40 %	41 %	40 %
Fine	43 %	42 %	36 %	35 %	39 %
Community service	4 %	5 %	5 %	7 %	5 %
Restitution	1 %	1 %	2 %	3 %	2 %
Firearms prohibition order	2 %	3 %	6 %	21 %	8 %
Conditional/absolute charge	5 %	5 %	7 %	7 %	6 %

* Percentages have been rounded to the nearest whole number.

**Table 18: Percentage of Times That a Penalty, When Imposed, was Imposed Along With Another Penalty in Marihuana Trafficking Offences
British Columbia 1997-2000**

Disposition	1997	1998	1999	2000	Overall
Prison	33 %	51 %	35 %	47 %	42 %
Conditional Prison	48 %	51 %	58 %	69 %	58 %
Probation	56 %	72 %	65 %	73 %	67 %
Fine	22 %	30 %	30 %	33 %	29 %
Community Service	100 %	100 %	94 %	100 %	98 %
Restitution	100 %	100 %	100 %	100 %	100 %
Firearms prohibition order	100 %	100 %	100 %	98 %	98 %
Conditional/absolute charge	70 %	80 %	88 %	87 %	83 %

* Percentages have been rounded to the nearest whole number.

**Table 19: Percentage of Times When Various Penalties Were the Most Serious One Imposed in Marihuana Trafficking Offences
British Columbia 1997-2000**

Disposition	1997	1998	1999	2000	Overall
Prison	22 %	30 %	29 %	24 %	27 %
Conditional Prison	12 %	14 %	14 %	21 %	15 %
Probation	29 %	23 %	29 %	26 %	27 %
Fine	35 %	31 %	26 %	26 %	29 %
Community service order (hrs)	-	-	-	-	-
Restitution	-	-	-	-	-
Firearms prohibition order	-	-	-	-	-
Conditional/absolute charge	1 %	1 %	1 %	1 %	1 %

*Percentages have been rounded to the nearest whole number.

The average prison sentence imposed in trafficking cases was 2.5 months, and the average probation term was 11.6 months. The average length of the conditional prison sentences imposed, as the most serious penalty imposed in 15% of the cases of marihuana trafficking, was 4.9 months (see *Table 20*). The maximum length of a prison term imposed on an offender was 36 months. The maximum length of the conditional prison sentences imposed in any of the cases was 36 months. The longest period of probation imposed was 36 months. Finally, although the average fine imposed in marihuana trafficking cases was \$1,044, the highest fine imposed was \$17,500.

**Table 20: The Average Amount of Penalty Imposed by Type of Penalty
Marihuana Trafficking Offences
British Columbia 1997-2000**

Disposition	1997	1998	1999	2000	Overall
Prison (months)	2.0	2.6	2.7	2.3	2.5
Conditional Prison (months)	5.7	4.8	4.9	4.7	4.9
Probation (months)	13.0	11.3	11.0	11.6	11.6
Fine (\$)	872	817	1198	1343	1044
Community service order (hours)	64	52	49	35	48
Restitution (\$)	38	161	103	153	127

Table 21 provides the detail of the average quantum of the penalties imposed for each type of offence. The average prison sentence imposed for a conviction on a marihuana trafficking charge was 2.4 months. It was five months or so in the case where a conditional prison sentence was imposed. *Table 22* shows the percentage of time various penalties were imposed for each type of offence.

**Table 21: Average Amount of Penalty Imposed by Type of Offence Convicted
Marihuana Trafficking Offences
British Columbia 1997-2000**

Offence	Prison (months)	Conditional Prison (months)	Probation (months)	Fine (\$)	Community Service Order (hrs)	Restitution (\$)
Trafficking	2.4 (2.4)*	5.0 (4.8)	11.9 (11.7)	1151 (1178)	49 (48)	115 (120)
Possession	2.4 (2.0)	6.5 (5.7)	10.2 (9.8)	705 (719)	43 (34)	178 (250)
Firearms	4.9 (2.7)	8.0 (7.2)	13.4 (12.3)	1736 (2814)	35 (35)	62 (62)
Other criminal code offences	2.2 (2.1)	2.8 (2.2)	14.6 (14.7)	751 (946)	34 (37)	15 -

* Figure in parentheses represents the amount imposed when offence was the only offence for which the offender was convicted.

**Table 22: Percentage of Times Various Penalties Were Imposed by Type Offence
Marihuana Trafficking Cases
British Columbia 1997-2000**

Offence	Prison (mths)	Conditional Prison (mths)	Probation (mths)	Fine	Community Service Order (hrs)	Restitution	Firearms prohibition	Discharge
Trafficking	28 (26)*	17 (16)	41 (40)	38 (39)	6 (5)	2 (2)	9 (8)	6 (6)
Possession	21 (17)	8 (7)	36 (34)	51 (53)	4 (4)	1 (1)	3 (2)	9 (10)
Firearms	30 (16)	30 (42)	32 (32)	38 (37)	11 (11)	5 (11)	38 (42)	3 (5)
Other criminal code crimes	52 (42)	15 (16)	42 (33)	23 (26)	7 (9)	1 (0)	9 (6)	2 (0)

* Figures in parentheses represent the percentage of times the penalty was imposed when the offence was the only offence for which the offender was convicted.

Table 23, which reports the sentencing data in relation to the past criminal record of the offenders involved, shows that the number of prior convictions affects the likelihood that the offender will be sentenced to prison, particularly if the criminal record involves prior drug trafficking or production offences. The fact that an offender has one or many prior criminal convictions does not affect the length (or severity) of the prison sentence that will be imposed (if one is imposed at all). In fact, it is perhaps surprising to note that the highest average length of prison terms is that which is handed to first-time offenders.

Table 23: Percentage of Convicted Offenders Who Received Prison Terms Given Their History of Prior Convictions and Average Length of Prison Terms Imposed Marihuana Trafficking Offences British Columbia 1997-2000

Number of priors convictions	Convicted Offenders Sentenced			
	All prior conviction(s)		Considering only prior conviction(s) for drug offences, among offender who have a history of drug trafficking and/or production	
	Percentage* sentenced to prison	Average length of prison terms imposed**	Percentage* sentenced to prison	Average length of prison terms imposed**
0	11 %	4.4	-	-
1	10 %	0.9	39 %	1.9
2	8 %	1.8	39 %	2.4
3	22 %	1.5	35 %	2.6
4	35 %	2.8	40 %	4.0
5	38 %	3.4	52 %	3.1
6	27 %	1.6	44 %	1.8
7	33 %	3.3	72 %	3.6
8	32 %	2.2	71 %	0.8
9+	46 %	2.1	46 %	1.6
Overall	27%	2.5	43 %	2.9

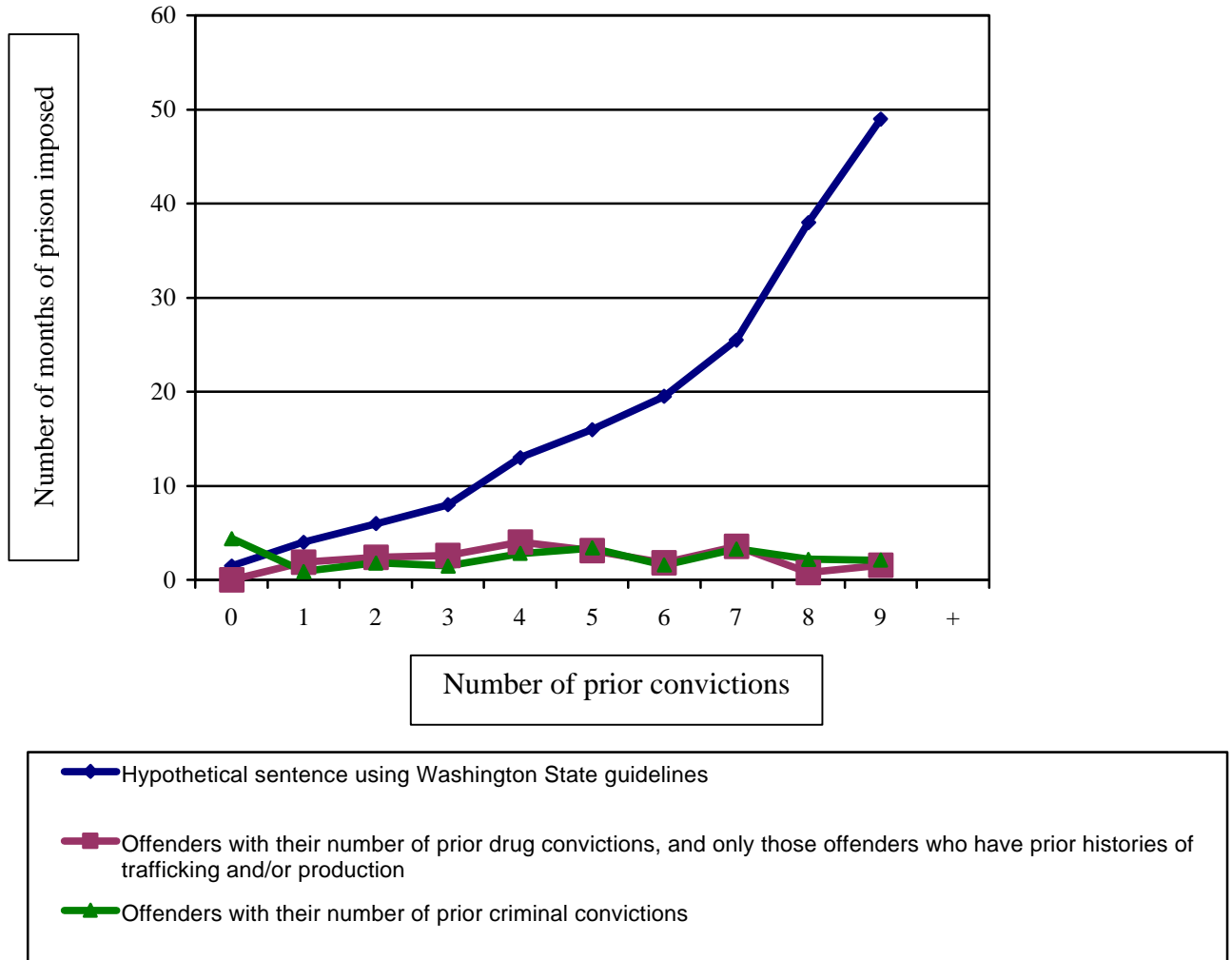
* Percentages have been rounded to the nearest whole number.

** Length of term expressed in months.

Figure 5 graphically displays the patterns of sentencing for offenders with various lengths of criminal record or record of past convictions relating to drug trafficking or production offences. It is worth noting that section 10 (2) of the *Controlled Drugs and Substance Act*⁸ defines a previous conviction for a designated drug offence as an aggravating factor to be taken into account at the time of sentencing. For the sake of comparison, the graph also displays what the sentence might have been had sentencing guidelines similar to those in force in the neighbouring State of Washington had been applied at the time in British Columbia. Since the number of prior convictions does not appear to influence the length of prison sentences imposed in British Columbia and is the single most important factor in determining the length of the sentence imposed under the Washington State guidelines the comparison is remarkable.

⁸ See Section 10(2) of the *Controlled Drugs and Substances Act* (S.C. 1996, C.19)

Figure 5: Average Lengths of Prison Terms Imposed (When Imposed at All) in Relation to Number of Prior Convictions and to Number of Prior Drug Production or Trafficking Convictions - Marihuana Trafficking Offences, British Columbia, 1997-2000. (Including Comparison with Likely Sentences Under W.S. Sentencing Guidelines)



* Washington State guidelines: ignores enhancements concerning volume of drugs, weapons, and location of seizure and ignores prior trafficking offences.

INCIDENT FORM - Trafficking

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)
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)
21		Amount of cash seized (Nearest C\$, 1US\$=1.5C\$)
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
33	1	Trafficking case

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

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

REMARKS

	ORIGIN OF DRUGS:
	DESTINATION OF DRUGS:

Appendix 2

SUSPECT SHEET

ID# _____

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

Ethnicity:

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

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)

CRIMINAL HISTORY

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

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

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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.