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Marihuana Growing Operations in British Columbia An Empirical Survey (1997-2000)

by

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EXECUTIVE SUMMARY

This report presents the findings of a comprehensive study of marihuana cultivation in British Columbia undertaken and completed during the summer and fall of 2001. The project involved a review of all cases of alleged marijuana cultivation coming to the attention of the police from January 1, 1997 to December 31, 2000. In all, 11,733 case files from this four-year period were reviewed, yielding information on numerous aspects of this problem. The main findings are summarized below.

First and foremost, the study confirmed the obvious: British Columbia has a growing problem with marihuana cultivation operations, or "grow ops". Although Statistics Canada has already published estimates according to which over 40% of all marihuana growing operations in Canada are located in B.C., this study provides detailed evidence that their number is large and growing, and that they are increasing in size and average value. These operations are located throughout the province. Over the four-year period a total of 8,010 founded cases were identified within the 149 police jurisdictions across the province. However, ten jurisdictions located in the Vancouver/Lower Mainland and Vancouver Island regions accounted for the

lion's share of the marihuana cultivation cases that came to the attention of the police.

Generally speaking, marihuana growing operations coming to the attention of the police are increasing in number by an average of 36% per year, increasing in average size at a rate of 40% per year. Overall, for the period under study, police seized 1.2 million marihuana plants and 8,646 kilograms of harvested marihuana in British Columbia. The value of the mariuana seized is estimated at between \$462 million and \$1.25 billion. The average dollar value per operation, which consisted of 166 live plants and 3.7 kilograms of harvested plants, is estimated to be somewhere between \$100,000 and \$130,000.

The evidence indicates that, over the period studied, marihuana grow operations became larger and increasingly sophisticated, often involving greater technological enhancements. This, in turn, has led to greater risks to the communities in which these illicit operations took place due to the increased risk of fire (as growers tamper with electrical equipment to divert energy and avoid being detected as a result of the quantum increase in energy consumption involved in inside growing

operations) and the serious damage to private property.

Where the cost of hydro theft was determined in individual cases, the average amount of services stolen was estimated at \$2,781.

The vast majority of cases that came to the attention of the police did so as a result of public complaints, usually from anonymous complainants, landlords, neighbours or, on occasion, from B.C. Hydro. Even those incidents discovered by police were, in most cases, identified as a result of some unrelated police action such as the serving of a warrant or responding to another incident. In other words, it was clear that the increase in marijuana cultivation cases observed in B.C. was not the result of increased proactive police enforcement. The dynamics involved in cases coming to the attention of the police did not change over the four-year period studied. In fact, the report presents evidence that the high volume of marijuana cultivation activity in the province has actually hindered police capacity to respond to complaints, let alone engage in their own intelligence gathering, investigation, and proactive enforcement activities.

With respect to the suspects involved in the incidents known to the police, 80% of the 10,373 suspects involved were male, 77% were Caucasian, and on average were 35 years old. Further, most suspects had a prior criminal history, and on average, that history spanned 13 years, included seven prior convictions, and crossed multiple jurisdictions. Evidence is presented in the report that suggests that many of the suspects had relocated to B.C. from other parts of Canada as well as from outside the country. In particular, especially in the areas with the greatest rate of increase in the number of marijuana growing operations throughout the province's Lower Mainland region, there has been a significant increase in the number of suspects of Vietnamese origin. The data

suggest that the growing involvement of individuals of Vietnamese origins in marijuana cultivation operation may be replacing growers from other previously involved groups.

An analysis of the criminal justice system's response to marijuana cultivation offences in B.C. is fraught with difficulty. Cases are complex, varying widely in size, value, and whether or not they are related to other criminal activities. They often involve multiple suspects and multiple charges and result in a wide array of dispositions (and combinations of same) at the court stage. Of the 11,733 cases coming to the attention of the police, 9,232 were fully investigated, and of these 8,010 proved to be founded. About half of these founded cases were dealt with informally (e.g., "no case" seizures), with this being a more likely outcome in smaller operations (i.e., under 10 plants). ; At the prosecutorial level, there are significant numbers of stays of proceedings and charges withdrawn as a result of plea bargaining practices, both of which result in a considerable attrition of charges and suspects. At the sentencing level, there is a positive correlation between the size of the grow operation and the severity of the penalty handed down in court, although the increase in penalties is somewhat marginal.

In the final analysis, 2255 of founded cases led to at least one offender being convicted. Overall, a total of 2551 offenders were convicted, representing 54% of those charged and 25% of suspects initially associated with a founded case. The majority of convictions did not result in custodial dispositions. Prison sentences were ordered in only 18% of cases, with an average term of 4.5 months.

The report includes a description of:

- (1) The incidents of marijuana cultivation that came to the attention of the police;
- (2) The characteristics of marijuana cultivation operations;
- (3) The characteristics of the suspects involved and their criminal history

- (4) The action taken at various stages of the criminal justice process; and,
- (5) The patterns of sentencing in such cases.