

NEW APPROACH FOR GROW OPS

B.C.'s innovative Electrical and Fire Safety Inspection

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An early-morning fire broke out at a residential mari-juana grow operation in Surrey, B.C., and spread to two other homes nearby in April 2004. The neighbours were alerted by a passerby and escaped, but the fire caused major property damage.

It was a striking example of a public safety menace that was threatening to spiral out of control, a byproduct of the rising number of grow operations setting up shop in B.C.'s neighbourhoods.

The basis for a solution arrived a few months later, during a conversation between Surrey Fire Chief Len Garis and noted B.C. researcher Dr. Darryl Plecas, Professor and Chair of the Department of Criminology/Criminal Justice at the University College of the Fraser Valley.

Associated hazards

Plecas' research into grow operations had identified a host of associated hazards - in particular, fire and electrocution. The typically unsafe electrical practices at grow operations present major electrocution risks to unsuspecting neighbours, inspectors and emergency responders.

As well, a case study of Surrey's statistics showed that residential grow operations are 24 times more likely to catch fire than normal homes.

These alarming revelations ultimately propelled the Electrical and Fire Safety Inspection (EFSI) Initiative, the result of a collaborative process between a number of agencies and governments in B.C. Within a year of the April 2004 grow-operation fire, the City of Surrey was hosting a 90-day demonstration project to test an alternate approach to grow operations - one driven by public safety rather than criminal prosecution.

The project ran from March 15 to June 3, 2005. An EFSI team of two police officers, two fire fighters and an electrical inspector enforced the Safety Standards Act at 126 suspected grow operations, identified by tips to Surrey RCMP and electricity consumption records. Most of the sites had electrical code violations. The team disconnected the power at 78 sites and issued seven-day notices at 11 others. A further 30 sites were referred to the RCMP and BC Hydro for theft of power.

In total, about 94 per cent of the 126 sites handled by the EFSI team needed to be rendered safe in some manner. Power reconnections only occurred after the sites met code and received electrical permits. In addition, a total of 49 children were found at 28 (22 per cent) of the sites handled by the team.

Each case was processed in about four hours, including all research, reports and site visits. Costs for the pilot, including the four-person field team and a clerk, were estimated at about \$40,000 per month.

"Throughout this process, my central theme has been citizen and fire fighter safety," Garis said. "Seeing these results, it's clear this administrative approach is able to address the public safety hazards related to grow-ops in a way the criminal justice system has failed to do, because of capacity and other issues."

The EFSI project has generated considerable interest and excitement among other jurisdictions and in the media. As well, progress is being made towards provincial legislative changes aimed to improve access to electricity consumption data for EFSI purposes. At the local level, Surrey is continuing its EFSI inspections and improving the process with bylaw changes intended to address more grow operations and recoup costs from the property owners.

To a large degree, the momentum is rooted in the growing awareness that approaching grow operations from a prosecution standpoint alone does not eliminate the public safety threat they bring to neighbourhoods, including fire and electrocution hazards, violence and crime.

It's the same view that motivated the various EFSI stakeholders to overcome their differences and work collaboratively. Key to the project's success has been the participation of the Ministry of Community, Aboriginal and Women's Services (MCAWS), BC Hydro, the Fire Chiefs'

Association of B.C., the City of Surrey, the Ministry of Solicitor General, the Office of the Fire Commissioner, the Ministry of Attorney General, RCMP "E" Division and the British Columbia Safety Authority.

"What kept it on track is we all agreed the risk was there and we had to find a way to deal with it," said Lori Wanamaker, assistant deputy minister of Housing, Building and Safety for MCAWS. "Having this kind of collaboration, I think, has resulted in a much more effective solution."

Garis expects that overcoming each partner's cultural biases will also be a challenge for other local governments that adopt the EFSI program. "We brought three organizations together, if you will - fire, police and safety inspectors - and we gave them an abstract process that challenged their norms, the norms of their business and the way they're doing business," he said. "They had to be convinced. We had to create buy-in and it was fraught with challenging those beliefs, but the results were tremendous."

The collaborative process began when the Fire Chiefs' Association issued a report in September, 2004 that called on MCAWS to act immediately to address the public safety risk associated with grow operations. Not long after, a task force was struck to develop the concept and address the issues.

Challenges with B.C.'s Freedom of Information and Protection of Privacy Act initially threatened to scuttle the project. The legislation currently restricts BC Hydro's ability to reveal client electricity consumption. The RCMP's participation in the EFSI teams turned out to be the key, as the act allows BC Hydro to release information to police for criminal investigations.

The British Columbia Safety Authority was also slow to declare grow-operations a public safety hazard - a necessary step to legitimize the EFSI project and pave the way for its adoption in other communities (the BCSA conducts electrical inspections in all but eight B.C. municipalities). BCSA consultant Michael Sommers attributed the cautious approach to timing; the fledgling agency was still dealing with new responsibilities assigned to it by government. Just prior to the pilot project, BCSA came through with an information bulletin that linked marijuana grow operations with electrical hazards and provided authority for inspections related to enforcing the Safety Standards Act.

RCMP "E" Division, however, was on board early in the process. "Within the management, this is a view: that RCMP can't do it all," said RCMP Insp. Paul Nadeau, major case manager in "E" Division's drug enforcement branch and head of the Co-ordinated Marijuana Enforcement Team. "Clearly we need to do other things, because it's just not getting the job done."

Nadeau noted that the RCMP estimate B.C. has 20,000 grow operations and a marijuana trade worth \$7 billion annually. Grow operations have proliferated because the penalties are insignificant, he said. "In the last few years, everyone has gotten into the business because of the low risk and high rewards," Nadeau said. "We're just drowning in the numbers, it's as simple as that."

In his view, the EFSI program addresses the backlog of police tips and deals with the small growers, allowing the police to target the major crime networks behind the marijuana trade. "It gives us a chance to concentrate on the organizations rather than the grow ops, and to me that's being much more strategic in how we deal with these things."

That view is shared by Surrey RCMP Supt. Fraser MacRae.

"I think it allows a response that we aren't currently able to provide, in terms of pure volume," MacRae said. "This initiative is an example of how pervasive the (marijuana) production culture is, and how necessary it is to have more than a single-facet response."

Garis hopes the program is so disruptive to grow operations that it drives them out of residential neighbourhoods altogether. But to prevent displacing the problem to other cities, the EFSI program needs to be applied on a larger scale.

In this vein, Surrey's involvement has been critical. A suburb of Vancouver, Surrey helped develop the concept, lobbied to move it forward and then planned and hosted the pilot. Its fire and electrical departments assumed responsibility for developing the EFSI team operational guidelines and training program. "I think it is incumbent on our cities to use whatever means possible to deal with this rapidly growing, almost exponentially growing, problem," City Manager Umendra Mital noted.

"We were looking for a simple lawful approach which would allow us to put a dent in the growth of the grow ops, even if it meant that the criminal dimension of the grow-ops might not be dealt with... We put safety first."

Fire Chiefs' Association of B.C. executive member and past president Glen Sanders appreciates EFSI's straightforward, safety-first approach. "I think the model is a good one, in that we've always sort of left this sort of problem up to the police. This takes the criminal element out of it, so it's

strictly a public safety issue," he said. "Using this streamlined approach, we reduce the safety risk without a lot of the process that the police are hamstrung by."

With enhancements underway to the EFSI field process and governing bylaws and legislation, it's clear the end of the pilot project was just the beginning of the EFSI Initiative.

Garis reflected on the process: "It was about breaking down the cultural operational norms of the various services, identifying a common problem and coming up with a common goal where everybody contributes. It's very rare you see it. I think it's a stellar example of cross-disciplinary systems, what they can achieve."