

Responding to Marijuana Grow Operations



A Community Handbook

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I am pleased to present “Responding to Marijuana Grow Operations - A Community Handbook,” a companion to our broader publication “Community Response to Marijuana Grow Operations: A Guide Towards Promising Practices.”

To be successful in addressing this challenge, I believe the communities need to work together and share best practices.

The City of Surrey dealt with the increasing number of grow ops by addressing the problem with a multi-faceted approach. We first focused on the public safety harms associated with grow operations and created a multi-agency inspection team whose job is to investigate suspected properties and remove the danger from the neighbourhood.

We also focused on the remediation of properties and legislative changes, ensuring that landlords and owners were held accountable. Our *Crime Reduction Strategy* emphasizes the need for education and awareness of the problem. We continue to call for action and work together with other levels of government and neighbouring communities.

Our hope is that this Community Handbook, together with the Guide Towards Promising Practices, will assist communities across British Columbia and elsewhere as leaders work to make their communities safer.

I would like to acknowledge the efforts of the collaborative team that has contributed to Surrey’s success, in particular: Members of City Council, Fire Chief Len Garis and Surrey Fire Department staff; Dr. Darryl Plecas, Dr. Irwin Cohen, and staff at the University of the Fraser Valley; Chief Superintendent Fraser MacRae, Surrey RCMP detachment, and other partners.

A handwritten signature in black ink, appearing to read 'Dianne Watts', written in a cursive style.

Dianne Watts
Mayor
City of Surrey

The Harms to the Public from Grow Operations

By focusing on the harms of grow operations to the public and viewing them through the lens of public safety, local governments are able to address the challenges within the scope of a local government's responsibilities.

In Surrey, a multi-agency task force was created in 2004 to address the public safety hazards from grow operations, including reducing dangers to the neighbourhood and rescuing children located in grow operations. This was a change from the usual focus on criminal justice.

The task force included representatives from the City of Surrey, the Ministry of Community Aboriginal and Women's Services, BC Hydro, the Fire Chiefs' Association of BC, 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.

A three-month pilot was developed, and during that time:

- 420 police tips were processed
- 119 grow operations were remediated
- power was disconnected at 78 sites
- 49 children were referred to appropriate agencies
- 30 sites were referred to the RCMP and BC Hydro for theft of power

The pilot program led to the permanent creation of Surrey's Electrical and Fire Safety Inspection Team (EFSI) in 2005.



Harms commonly associated with marijuana grow operations:

- home fires (a home with a grow operation is 24 times more likely to catch fire than a typical home)
- electrocution, unsafe structural alterations, and health risks such as mould
- children living in grow operations

The Electrical and Fire Safety Inspection Team (EFSI)

Surrey uses the EFSI team approach to investigate potential grow operations. The EFSI team includes:

- a fire inspector
- a building inspector
- an electrical advisor
- police officers (to stay in the vicinity and remain in radio contact)
- a clerk and/or program manager
- and sometimes health authority representatives

Electrical and Fire Safety Inspections

Thanks to a hard-won change in B.C. legislation allowing communities access to electricity consumption data (Bill 25), the addresses of suspected grow operations can be identified.

Some of the steps by the EFSI team include:

- Collecting public tips forwarded from police and/or the analysis of electricity consumption records provided through provincial legislation by BC Hydro.
- Reviewing the addresses to ensure they are not part of an existing criminal investigation.
- Conducting a drive-by visit to look for grow operation indicators or other potential uses of excessive electrical power.
- Examining city records on the property.
- Conducting police checks on vehicles at the site.

Once the EFSI team decides to pursue an investigation on the property:

- Notices are posted on the property and couriered to the owner to set up an inspection date.
- An inspection is conducted for the purpose of identifying any electrical, fire, health and/or other safety risks.
- Depending on the condition of the building, an electrical repair order could be issued, electricity and/or water service could be disconnected, or the occupancy permit could be revoked, all triggering some level of remediation to the residence.

Measuring Success

In June 2009, the City of Surrey commissioned a study to look at police statistics for marijuana drug files in Surrey, the Lower Mainland, and the rest of British Columbia between 2004 and 2008. The study looked at police files recorded in the following categories:

- Marijuana production (grow operations)
- Marijuana trafficking
- Marijuana possession
- Marijuana import/export

Surrey experienced an 81% decrease in marijuana production (grow operations) from 2004 to 2008, compared to 67% in the rest of the Lower Mainland and 65% in the rest of British Columbia.

While all jurisdictions in British Columbia saw a decline in overall marijuana files during this time, Surrey experienced the largest decline by far in all of the categories combined and associated to marijuana (Surrey saw a 68% decline, compared to 12% for the rest of the Lower Mainland and 45% for the rest of the province).

While these results were good news for Surrey, they also indicated that the successful public safety inspection program may have displaced some of the problem to other communities – particularly those without their own public safety inspection programs.



Legislation and Bylaws

In addition to making use of the provincial government's Bill 25 to obtain access to electricity consumption data, Surrey used its own bylaws to address the challenges.

Controlled Substances Property Bylaw

The Controlled Substances Property Bylaw (2006) includes the imposition of substantial financial penalties and a historical record attached to the property's title. The City of Surrey was not satisfied to simply close down or interrupt grow operations. Unaddressed former grow operations were creating an aesthetic and safety problem in Surrey's neighbourhoods, as well as leading to the general deterioration of an area or neighbourhood, and a decline in property values. Homebuyers wanted assurances that they were moving into a safe home, neighbourhood, and community.

Before Surrey introduced its 2006 Controlled Substances Property Bylaw, grow operations addressed through the inspection program re-established 13% of the time, and those addressed by the RCMP re-established 4% of the time. After the introduction of the bylaw, the number of post-inspection re-establishments dropped to 0% and post-criminal re-establishments dropped to 1%.

Amendment to Business Licence Bylaw

In 2009, Surrey introduced new municipal regulations to eliminate public displays of drug paraphernalia in businesses and ban the sale of drug paraphernalia to minors through an amendment to the Business License Bylaw. The new regulations affect the display of any product used to either produce or use illicit drugs that are categorized as controlled substances in the Controlled Drugs and Substances Act. Public display of drug paraphernalia or sales to minors results in enforcement under the Business License Bylaw.

Environmental Management Act

Further changes were made in 2009 to Provincial legislation under the Environmental Management Act aimed at protecting residents from potentially hazardous materials on a site and ensure complete site cleanup in a timely manner. They include:

- A new requirement for the cleanup of illegal drug production sites at the expense of the property owner.
- The Ministry of Environment initiates the remediation process for decommissioned drug production sites after being notified by a city, the RCMP, or another agency.
- Communities can withhold the site's occupancy permit until it has received confirmation from the Ministry that the site has been remediated.
- All properties involved in a Ministry land remediation process since 1988 are listed in an online site registry that is available to the public.

This legislation provides communities with another tool to address grow operation safety threats, and provides interested parties – such as realtors, and potential homebuyers – access to information about current and past sites remediated through this process.

Considerations for Communities Implementing a Safety Inspection Process

Preparing a controlled substance bylaw:

- Use regulatory language, be aware of provisions of the Criminal Code, and be detailed about the team's conduct. There is no need to refer to federal criminal jurisdiction.
- Focus on public safety objectives, such as electrical hazards, strengthening neighbourhoods, and improving community safety.
- Include a definition of controlled substances rather than referencing the federal Controlled Drug and Substances Act.
- Provide 24 hours notice for inspections rather than 48 hours notice.
- Include an internal reconsideration process for files, to provide a non-biased look at the file prior to posting or conducting an inspection.

Conducting public safety inspections:

- Develop operational procedures for the team and adhere to the bylaw's policies and procedures.
- Provide training and materials on the signs of hazards in grow operations.
- Keep good records of safety hazards, including pictures and detailed field notes.
- Gather specific evidence in as much detail as possible.
- Whenever possible, avoid puncturing walls or doing damage to the property.
- Have clear guidelines for when to take corrective steps, such as disconnecting power or revoking occupancy.



Building a better community: Holding owners and landlords accountable

Surrey has made it extremely unattractive to have a grow operation in its city. Some of the ways Surrey is holding owners and landlords accountable for the activities on its properties:

- Charging all costs associated with cleaning up a grow operation, including the city's costs, back to the owner.
- Charging a fee, through the controlled substance bylaw, to be paid to the city, in addition to any direct remediation costs.
- Using our bylaws to include a property's history as a grow operation on the property title, creating a permanent "fingerprint" that alerts future buyers.
- Providing education and awareness by producing educational materials designed to inform property owners of the dangers of grow operations and how to spot them.
- Informing and warning property owners of our efforts through media coverage and city publications, such as our annual property tax newsletter.
- Educating realtors through the Fraser Valley Real Estate Board's Realty Watch on how to spot specific types of activity associated to grow operations and to report these activities to the police.

Best practices and next steps

Zero tolerance for law breakers, a multi-agency approach and engaging the public through education and awareness has led to a significant decrease in the number of marijuana grow operations in Surrey's neighbourhoods.

The marijuana industry's ability to adapt to obstacles requires an evolving response that comes from all levels of government, such as:

- Regulation of hydroponic shops
- Regulation of medical marijuana grow operations
- Detection/surveillance technology improvements
- Tax audits of illegal drug production income

Local governments must take full advantage of their bylaws, provincial legislation and other mechanisms outlined in this Community Handbook and the Guide Towards Promising Practices. Communities need to provide a united front to the marijuana industry that leaves no place for growers in our neighbourhoods.

CITY OF SURREY MAYOR AND COUNCIL



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