

<b>Policy Name:</b>	<b>GROW OPERATIONS</b>		
<b>Policy #:</b>	OP 4.18.2	<b>Last Updated:</b>	2022-01-27
<b>Issued By:</b>	INVESTIGATIVE SERVICES BUREAU	<b>Approved By:</b>	SURREY POLICE BOARD
		<b>Review Frequency:</b>	AS REQUIRED

**RELATED POLICIES**

OP 4.18 *Controlled Drugs and Substances Investigations*

OP 5.2 *Retention of Property for Court Purposes (Form 5.2)*

**1. PURPOSE**

- 1.1. To provide Surrey Police Service (SPS) Members direction with respect to the discovery of grow operations (cannabis and psilocybin mushrooms).
- 1.2. To outline medical cannabis legislation and procedures to identify medical cannabis grow operations.
- 1.3. To minimize the risk to the health and safety of responding Members upon discovery of grow operations.

**2. SCOPE**

- 2.1. This policy applies to all SPS Members.

**3. POLICY**

- 3.1. During the performance of their regular duties, Members may encounter or be requested to assist Surrey Fire Service (SFS) or City of Surrey employees (e.g., bylaw officers or building/electrical inspectors) upon discovery of a grow operation. Grow operations have chemical, biological, and physical environmental hazards that create a potential risk to the health and safety of Members.
- 3.2. Members responding to a grow operation must consider the presence of potential safety hazards inside the operation.

- 3.3. Drug exhibits seized as evidence must be seized, processed and analysed at the earliest opportunity and according to safe drug handling procedures (see OP 4.18 *Controlled Drugs and Substances Investigations*).
- 3.4. Members must be familiar with the *Controlled Drugs and Substances Act*, the *Cannabis Act* and the *Cannabis Regulations* relating to the cultivation of non-medical cannabis, cultivation of cannabis for medical purposes, and possession of dried cannabis in private:
- i. any adult (an individual 18 years or older) can only cultivate (grow) a maximum of four (4) non-medical cannabis plants inside a dwelling-house as per s. 12(4) of the *Cannabis Act*. A maximum of four (4) cannabis plants can be grown regardless of the number of adults or suites inside the individual dwelling-house;
  - ii. under Part 14 of the *Cannabis Regulations*, an adult may apply to Health Canada to obtain a Registration Certificate to personally cultivate (grow) or designate another adult to cultivate (grow) cannabis plants for medical purposes if their physician has provided a medical document recommending the use of medical cannabis; and
  - iii. the *Cannabis Act* does not limit the amount of dried cannabis that can be possessed or stored in a private residence.
- 3.5. Upon discovery of a grow operation, Members must engage City of Surrey Building Inspections to determine if the premises is unsafe to occupy under City of Surrey *Controlled Substance Property Bylaw, 2006*, No. 15820.

#### **4. PROCEDURE**

##### **Members Encountering a Grow Operation**

- 4.1. Members who encounter a cannabis grow operation during the performance of their regular duties must:
- i. exercise caution – be aware of potential electrical, fire and environmental hazards such as unsafe electrical wiring, extremely hot surfaces (e.g., lamps), oxygen deficient atmosphere, presence of fertilizers and pesticides, mold and airborne mold spores;
  - ii. not touch or move anything associated to the grow operation. Specifically, with regards to cannabis grow operations:
    - a. Do not turn electrical power or gas utilities on or off;
    - b. Do not touch or move potential evidence (including containers) observed inside or outside the premises;
  - iii. open windows (if any and if possible) to vent the premises with fresh air;
  - iv. ensure safe departure of all persons from the immediate area, promptly exit and secure the premises;
  - v. contact a Supervisor, who will notify the Priority Trafficking Team Supervisor;
  - vi. request attendance of a City of Surrey Building Inspector;

- vii. not allow anyone to enter the premises until the nature of the grow operation and next steps of the investigation are determined (e.g., it is a confirmed medical cannabis grow operation or if a search warrant is required); and
  - viii. report any symptoms of illness or discomfort to their Supervisor.
- 4.2. Members must determine if the cannabis grow operation is authorized and registered by Health Canada by:
- i. calling the Health Canada Office of Medical Cannabis at **S. 15** ; and
  - ii. leaving a voice message and providing name, badge number, file number, and contact phone number. Members should receive a telephone call from Health Canada within one to two hours.
- 4.3. Further investigation of the cannabis grow operation will be determined by the results of the Health Canada query.

**Members Requested to Assist Upon Discovery of a Grow Operation**

- 4.4. Upon being notified of a grow operation by the public, SFS personnel or City of Surrey employee, Members must:
- i. contact a Supervisor, who will notify the Priority Trafficking Team Supervisor;
  - ii. attend the scene and ensure the premises is secure;
  - iii. consult the complainant, SFS personnel, or City of Surrey employee on scene and confirm the exact location, details and the condition and disposition of any persons found inside or associated to the grow operation; and
  - iv. not allow anyone to enter the premises, until the nature of the grow operation and next steps of the investigation are determined (e.g., it is a confirmed medical cannabis grow operation or if a search warrant is required).
- 4.5. Members must determine if the cannabis grow operation is authorized and registered by Health Canada by:
- i. calling the Health Canada Office of Medical Cannabis at **S. 15** ; and
  - ii. leaving a voice message and providing name, badge number, file number, and contact phone number. Members should receive a telephone call from Health Canada within one to two hours.
- 4.6. Further investigation of the cannabis grow operation will be determined by the results of the Health Canada query.

**Dismantling a Cannabis Grow Operation**

- 4.7. Upon determining that the grow operation is not registered by Health Canada and therefore in violation of the *Cannabis Act* or *Controlled Drugs and Substances Act*, Members will be required to dismantle the grow operation and seize drug exhibits.

- 4.8. When dismantling a grow operation, Members must wear personal protective equipment consisting of a long sleeve uniform or jacket, respirator, and eye protection (if necessary). Carefully move and handle exhibits to prevent unnecessary burns, electrocution, and/or exposure to pesticides or mold spores.
- 4.9. Members must consult the attending City of Surrey Building Inspector who will determine if the premises is unsafe to occupy.

#### **Supervisor Responsibilities**

- 4.10. When notified that a Member has encountered a cannabis grow operation, the Supervisor must:
  - i. ensure the safety of Members in attendance;
  - ii. ensure that the power and other utilities have been left untouched and that the premises is secure;
  - iii. notify the on-duty Priority Trafficking Team Supervisor and provide details of the incident;
  - iv. if there is no on-duty Priority Trafficking Team Supervisor, contact the on-call Priority Trafficking Team Supervisor;
  - v. notify the Duty Officer and request additional resources if required.

#### **Duty Officer Responsibilities**

- 4.11. When notified that a cannabis grow operation has been discovered, the Duty Officer shall liaise with the on-duty or off-duty Priority Trafficking Team Supervisor to ensure that the appropriate Members are available and there are sufficient resources to investigate and/or dismantle the cannabis grow operation if required.

## **APPENDIX A: DEFINITIONS**

“Building Inspector” means the chief building official for the City of Surrey, and every inspector appointed by the City of Surrey to inspect buildings or structures in respect of building, plumbing, gas, or electrical standards.

“Grow operation” means means the cultivation of marijuana plants or psilocybin mushrooms.

“Member” means a sworn Police Officer appointed by the Surrey Police Board.

“Pesticide” means a substance or mixture, including a chemical, used to destroy, prevent, repel or mitigate fungi or animal pests or microorganisms such as bacteria or viruses, and includes herbicides, fungicides or other substances used to control pests, plant regulators, defoliants or desiccants.

“SFS” means the Surrey Fire Service.

“SPS” means the Surrey Police Service.

“Supervisor” means a Sergeant, Staff Sergeant, Inspector, Superintendent, Deputy Chief Constable, Chief Constable, and any other person acting in a Supervisory capacity who is accountable for a particular area or shift on behalf of SPS.

## **APPENDIX B: REFERENCES**

*Cannabis Act*, S.C. 2018, c. 16

*Cannabis Regulations*, SOR/2018-144

*Controlled Drugs and Substances Act*, S.C. 1996, c. 19

*City of Surrey Controlled Substance Property Bylaw, 2006*, No. 15820