



Cannabis Cultivation Procedure SURREY

Supporting Documents

Policy

Drugs Policy

Procedure

1. Definition

1.1 Cannabis cultivation must be regarded as 'commercial' if:

- a. Twenty or more cannabis plants, at any stage of growth (germination), are being or have been grown OR
- b. There is evidence of a cannabis farm which is defined as follows:
 - Any premises, whether commercial or residential, shall be regarded as a cannabis cultivation site (CCS) if it has the following:
 - The premises or part therein has been adapted to such an extent that the normal usage would be inhibited and usually present within the premises, or part therein, are solely concerned for the production of cannabis i.e.
 - Hydroponics system
 - High intensity lighting
 - Ventilation/extraction fans
 - Any other associated equipment and /or
 - Electricity meter bypassed

1.2 In cases where there is evidence of a cannabis farm, (as described above in 1.1) it becomes relevant as to how many plants are present on site

1.3 A cannabis cultivator who grows more than 10 plants is likely to be producing cannabis in excess of their own consumption and consideration must therefore be given to them being likely to be supplying others.

2. Legislation

2.1 Cannabis Cultivation is an offence under [section 4\(2\)\(a\) of the Misuse of Drugs Act 1971](#)

2.2 In circumstances where it is evident that the property has been used and that equipment present indicates a cultivation then the offence would be under [section 4\(2\)\(b\) of the Misuse of Drugs Act 1971](#)

2.3 It is not an offence to possess cannabis seeds and the offence of cultivation is only complete when the seed germinates or an attempt is made to germinate it

2.4 An offender must not be charged with Possession With Intent to Supply Cannabis (PWITS) where immature plants are discovered. Cannabis production is the appropriate charge (with the prosecution arguing that any production of supply quantities was for that purpose) R v Wright, Appeal Court 2011 refers.

3. Actions at a Cannabis Cultivation Site

3.13.1 On discovery of a commercial cannabis cultivation site, the first officer at the scene Must:

- Contact the control room to create a CAD serial if there is not one already in place or if it is not a pre-planned operation.
- Request the control room to contact an electrical engineer to attend the location to ensure safety at the site as many cannabis cultivation sites have the electricity bypassed.
- Have an electricity representative isolate the electrical supply. They may be able to disconnect the drugs paraphernalia but still leave the domestic supply in place so that you have some lighting. Note: Make a note of whether lights and other electrical equipment are on / off before disconnection takes place.
- If no in situ lights can be left operational then portable lighting needs to be arranged through the control room. This needs to be done in good time, particularly if lighting is poor or scientists have been called to the scene.
- Request the attendance of Crime Scene Investigators (CSI).
- Identify the person(s) who secured the tenancy, purchased or otherwise acquired the cultivation premises in the first instance.
- Ensure that a comprehensive Intelligence Log is submitted in respect of all identified cultivations.

- Consider that “gardeners” arrested at cultivation sites may be Foreign Nationals who speak little or no English (and maybe victims of Human Trafficking).

3.2 Officers must be aware that individuals and Organised Crime Groups (OCGs) may have effective control of a number of cultivation sites. It is therefore essential that officers attending sites are aware that where the ‘gardeners’ are arrested, they often only form part of a more complex organisation and that a need exists to investigate further.

4. Scene Management

4.1 An OIC must be nominated at any cannabis cultivation site. That person will be responsible for liaising with attending CSIs and DLO (if attending) and will have oversight of exhibit seizure and retention.

4.2 Video and photographic images of the location must be made by the attending CSI and a narrated video walk through using a BWV camera must be completed by an officer.

4.3 In collaboration with the attending CSIs, each grow room must be given a number and the number of plants per room must be counted and recorded. Any loose cannabis / harvested cannabis plants and flowers from previous cultivations must be seized (not equipment or root balls / soil).

4.4 All equipment present must be quantified by the CSIs and recorded in the CSI report, unless CSIs are unable to attend in which case all of the following must be recorded by the exhibits officer at the scene. This must include the number of plant pots, lights, wattage, troughs for growing must be counted and recorded. It would be prudent to record any clear serial numbers, makes and models of equipment being used in the grow. See section 6 for further detail.

4.5 Sample plants must be obtained as exhibits (packaged in paper exhibit bags). The sample plants must be cut just above the root, but as close to the soil as possible. Do not seize the root balls. The sample plants must be two plants from each area so long as the plants in each area of similar height and appearance. If there are varying height plants (mature / immature) samples must be taken of each. Records must be taken of which exhibited sample plant is representative of how many plants in situ within the room. The sample plants must be returned to the Temporary Property Stores at Division and booked in to property.

4.6 If a ‘mother plant’ is identified this should be treated separately and seized as its own exhibit. A mother plant will be a plant that is well looked after and generally situated on its own, away from the rest of the grow. The plant will not be flowering (there will be no bud / flower) and may show evidence of having had cuttings taken from the plant. The mother plant is used to take cuttings which are then propagated in to clones of the mother plant.

4.6 All non-evidential plants (non-sample plants) and plant waste material (cannabis leaf material) must be cut down and placed within clear sacks. The plants must be cut just above the root, do not include the root balls. When full each sack must be sealed with a numbered tag. All of these non-evidential bags will be given the same exhibit number of 'NON-EVIDENTIAL CANNABIS' on the niche system. The tag numbers must be listed under the exhibit details on niche, before the exhibit is marked as for Destruction. These non-evidential plants must then be transported to the cannabis holding area within the Division and stored. Estates and Facilities must then be notified to collect the non-evidential plants for transportation to Kingstanding.

4.7 As per [4.3](#) any harvested flowering head material found at the scene must be seized and exhibited as this indicates a previous crop and will assist with valuations and calculations. This can be placed into plastic exhibit bags.

4.8 The evidential sample plants must be sent to the Forensic Provider at the earliest opportunity for identification and yield calculation. An MG21 must be completed for this request which will be sent via the Forensic Hub. The Forensic Provider will require not only the sample plants seized but also copies of the CSI reports from the scene detailing room size, light counts etc.

4.9 Bottles and containers of commercial fertiliser must be listed (by brand name, volume and manufacturer), photographed and not seized (left at scene).

5. Plant Sampling and Exhibits

5.1 When sampling, one must take samples for Forensic Submission that covers any:

- Previous Crops – Harvested plants, harvested flowering head material no longer on the plant (see [4.7](#)).
- Current Crops – Plants growing in situ (see [4.5](#)).
- Future Crops – Any cuttings rooted or not rooted and / or 'mother plants' (see [4.6](#)).

5.2 Flowering Plants - When seizing sample plants these must be placed into paper exhibit bags which are tape sealed. Try not to bend or break the stalks where possible. If the stalk breaks whilst being placed into the exhibit bag, this must be the only plant within that bag so that it can be identified as 'one plant' for measuring and identification purposes by the Forensic Provider.

5.3 Previously Harvested Plants With Foliage Still Attached – Take representative samples of 2 x mid-range plants and package as for live plants (5.2 above).

5.4 Previously Harvested Plants Without Foliage – Any harvested flowering head material which has been manicured of the leaves, even if still attached to the stalk, must be seized (see [4.7](#)).

5.5 Harvested Flowering Heads (loose cannabis – no longer attached to plants) – All must be seized as evidence in plastic exhibit bags (see [4.7](#)).

5.6 Rooted Plant Remains ('Root ball') – Root balls do not need to be seized provided there is no live plant, leaves or flowering head attached to the remains. Photographs must be taken of these in situ and a count provided however the root balls must be left at the scene.

5.7 Growers Notes / Documents – It is possible that there will be records kept at the premises which could detail the growing cycle, number of crops etc. These must all be photographed in situ before being seized and exhibited. Where possible on return photocopy the notes and exhibit these within a Photobook.

6. Important Scene Information Which Must Be Recorded.

6.1 It is essential that the following scene information is recorded:

- Numbers of lamps and reflectors in each room. These will be connected to ballasts, which may be routed through a timer. Note the settings of these timers. (Just numbers of hours on / off is all that is required such as 12 hours on, 12 hours off or 18 hours on and 6 hours off). It doesn't matter what time they come on and off such as 3am or 12pm It's also useful to note whether there are fans present.
- Measure the size of all relevant rooms (i.e. ones containing growing or previously harvested plants or previously harvested plant remains (root balls in/out of pots) and also of empty rooms which have been used for growing or are in the process of being set up for growing (i.e. plastic sheeting on floor/walls electrics installed etc.) This may be done after the rooms have been emptied of plants and equipment if this is easier.
- Numbers and approximate sizes of plants /plant remains in each individual grow room.

6.2 All details of the scene and items seized must be recorded in a presentable format, making clear the layout of the growing rooms and where items were seized from.

6.3 Preservation of items which may yield DNA and fingerprint opportunities must be considered and the protocols for preserving such evidence must be observed. Whilst not seeking to be restrictive, exhibits seized for DNA must be focused towards those involved in the setting up of the site. Guidance must be sought from the CSI or DLO.

6.4 Consideration could be given to contacting the Drug Liaison Officers or the on-duty CSIs for advice if the scene layout equipment is unusual and advice is needed with regards to seizing items.

7. Information Risk Assessment

7.1 Information in relation to a potential cultivation site will be received from a number of sources including Crimestoppers, intelligence and proactive policing. It is imperative that this information is risk managed.

7.2 A number of cultivations have been discovered through fire due to the electrical set up within the site. Where dwelling flats are identified as potential grows an early course of action to mitigate any public threat must be considered.

7.3 Properties which have been identified as possible cultivation sites and low risk to the public must be developed to enhance the intelligence picture. Consideration must be given to initiating a pro-active investigation or the execution of a search warrant at a suitable time.

8. Health and Safety

8.1 Points to consider

- Electrical/Gas equipment/supply – It is normal practice for the power system to be by-passed. Under no circumstances must the electrical/gas supply to the premises or any electrical equipment be touched until an electrical engineer has made the supply/scene safe. Consider the advice of the Fire Service.
- Protective Clothing -Protective clothing must be worn at all times at the site. This clothing will consist of either a disposable coverall suit or long-sleeved top and trousers (to ensure skin is covered, non-powdered disposable gloves, and face masks (FFP2 due to potential mould spores). Windows must be opened and air circulated to clear fly infestations.
- Heat – The lighting equipment used is powerful and often left on for long periods. This can become very hot, and this could cause severe burns if touched. Officers who are within the premises for extended periods of time must take regular breaks to cool down and must be provided with drinking water supplies to avoid dehydration.
- Structural considerations – structural improvisations and flooring must be checked for any false sections.
- Chemicals / Nutrients – These items are used in the growing process and may be corrosive or a hazard if they come into contact with the skin or eyes.

- Skin irritation – Cannabis plants and rock wool blocks can cause irritation if they come into contact with the skin. As such all areas of the skin must be covered with long sleeves and protective gloves worn.
- Ventilation – Cultivation is often very intensive and the odour from the plants can be overwhelming. Spores that can cause breathing difficulties, including mould, may also be present. In addition to the odour from plants some sites have been identified with quantities of ‘moth balls’ (Naphthalene) to mask the odour of the plants from the outside. In large quantities these ‘moth balls’ can be overpowering. It is recommended that all windows and doors are kept open to increase ventilation and disposable FFP2 face masks be used by all personnel entering sites and regular breaks taken.
- Note that any green / wet plant matter will tend to rot if stored in sealed plastic bags. This rotting process could release methane gas which could present the risk of an explosive atmosphere in poorly ventilated areas. Therefore, any non-evidential plants for disposal which are in plastic bags must be sent for disposal / transported within a week.
- Booby traps – Some cannabis cultivation sites have been booby trapped to prevent access to them by law enforcement officers or rival Organised Crime Gangs (OCGs). Traps have consisted of high voltage electrical connections to doors and window frames and physical devices to restrict entry.
- Pregnant Officers - No pregnant Officers /Staff are to be involved in searches

9. Scene Dismantlement and Retention of Exhibits

9.1 It is not the role of the police to act as house clearers and the landlord of the premises will retain responsibility for clearing of the premises depending on the material/equipment present.

9.2 Police will remove all Class B material – which includes:

- Cannabis Plants - (see sections [4](#) and [5](#) above).
- Any Other Cannabis Material - often deemed as ‘waste material’ such as discarded stalks with attached leaves or detached leaves (often found in black bin bags or in a pile in the premises from the scene).
- All other equipment shall be left in situ (ballast, soil, lighting, root balls, fans, ventilation ducts, chemical nutrients) unless required as a forensic exhibit (for example see points [4.5](#) and [6.3](#))

9.3 The 'Notice to Landlords' – Landlords Responsibility document must be left at the scene or handed to the Landlord or their representative if they are present – See Annex 1 Landlord Property Owner Responsibility.

9.4 All exhibits to be removed from site must be accurately recorded and audited through the exhibit register. Any samples that require forensic analysis must be forwarded to the forensic hub (as per [4.8](#) above).

9.5 The non-evidential plant waste must be placed into clear plastic bags and sealed with a unique numbered tag. The tag numbers must then be recorded by the exhibits officer at the scene under the umbrella exhibit reference of 'NON-EVIDENTIAL CANNABIS'. These sealed bags are to be transported back to Division, where they must be placed into the identified secure non-evidential cannabis plant holding area. These bags can be entered on to Niche as one exhibit – the exhibit name in all cases must be 'NON-EVIDENTIAL CANNABIS' so that it is clearly separated from the evidential exhibits, and the tag numbers for each bag must be listed within the details section. This must then be marked up for immediate disposal / destruction. This is so that each sealed bag can have an auditable trail from seizure to disposal. Facilities staff will then be responsible for the transportation of the non-evidential plants to Kingstanding, Sussex where they will be destroyed through composting (See [13](#)).

9.6 Any equipment, soil, liquid fertilizer, chemicals or unidentified liquids must be left in situ.

10. Practical Considerations.

10.1 The following must be considered for all cannabis cultivation sites:

- Relevance of exhibits and the retention of such must be reviewed periodically throughout the investigation.
- It is not the role or the responsibility of the Police to dispose of equipment including nutrients, chemicals, hazardous substances, contaminated materials, or bulk items which are established to have no evidential value at an appropriate stage of the investigation. This is the responsibility of the Landlord / Property Owner.
- The Case Officer must attempt to obtain the details of the Landlord / Property Owner to establish if they have details of the tenants including addresses, mobile phone numbers, bank accounts, payment methods. Any details must be shared with a Financial Investigator.
- [PACE](#) and the [Police Property Act](#) provides for early disposal of perishable items (plant material) although it is preferable to engage with CPS and gain authority from the Court.

- Great care must be taken however, not to compromise the prosecution case by the early disposal of items that may have any bearing on the trial process. This can be avoided by documenting involvement of the CSI, forensic scientist, prosecuting lawyers (CPS and Counsel), and the Defence.
- The Defence must be informed in writing prior to the disposal of any property seized related to the prosecution case to give them the opportunity to have the item(s) independently examined. The Defence will have 28 days to respond in writing to give notice of their intention to examine those exhibits.
- This review must consider whether there are outstanding suspects whose case may be compromised by any decision to dispose of the item.
- No destruction of evidence critical to any prosecution or defence case (e.g. items yielding forensic evidence) must take place until after the court case, and allowing for any period of 'appeal' ([Criminal Procedure and Investigations Act 1996](#))
- Where there is no prospect of charges being brought against suspects, or suspects have not been or are unlikely to be identified, a 'disclaimer notice' must be sought from any suspect, landlord or property owner, so that any exhibits seized as part of the case can be disposed of by the police at the earliest opportunity.

11. Evidential Considerations and Charging Decision.

11.1 A Drug Liaison Officer can advise / assist in highlighting evidence required at the scene and throughout the investigation.

11.2 A Drugs Expert Witness (DEW) who is independent from the investigation will be required to produce his / her own independent, impartial evidence by way of a report in order to assist the court. The DEW must be provided with, as a minimum, all photobooks of evidence from the scene and investigation, a summary of the case and the Forensic Provider's MG22B (Streamlined Forensic Report) detailing the plant identification and calculated yield.

11.3 The utility company must be asked to provide evidence of electricity used to power the site. Where the power supply has been bypassed, the company must be requested to provide a statement outlining the value of that bypassed supply. (Any suspects must be arrested and interviewed for abstracting electricity.)

11.4 Where suspects have been arrested, attempts must be made to value the equipment used to support the commercial grow. Attempt to identify where the cultivation equipment was purchased from to get an accurate retail figure. This

information could be useful for Proceeds of Crime Act (POCA) for forfeiture purposes.

11.5 In the case of rented properties, investigators **must** seek to identify who rented the property, how rental payments were made, terms of the lease, etc. Consider if the landlord is complicit in the production of cannabis and whether any other properties they may own are being used as CCS.

11.6 A 'full code' charging decision for commercial cannabis production offences is unlikely to be given by CPS without a supporting statement from the forensic laboratory, unless the existence of the cannabis is not in dispute. However, where an early charging decision is sought (with associated remand in custody) a Drug Liaison Officer / Drug Expert Witness can provide evidence of the plants being cannabis in line with Home Office Circular 15/2012 and can provide comment upon any noted commercial aspect to the cultivation. This **must** be followed up by a lab submission.

12. Forensic Submissions.

12.1 An initial lab submission does not need to be submitted as an 'urgent' or 'critical' submission. However, the MG21 request **must** be sent within 7 days maximum (ideally submitted to the Forensic Hub within 24 hours).

12.2 Late submission of the MG21 can result in the following issues for the force:

- Loss of Evidence 1 – Cannabis plants if stored correctly in brown paper bags, over a period of time will dry and become brittle. This results in them being more likely to fragment / break leaving the exhibit as fragmented leaves and partial stalks, therefore making it harder for the lab to record the height of the plants, the age etc and can impact calculated yields.
- Loss of Evidence 2 – Cannabis plants if not stored correctly, such as if placed in to plastic sacks at any time, or through the plant exhibits sitting on top of each other within the limited storage space in the Property Store – plants are organic material and hold moisture. If kept within plastic sacks, or if the packaging is not breathable such as exhibits sitting on one another, the plant material will degrade and rot. The plants will not dry out correctly causing water to build up. The plants will become mouldy before rotting the exhibit bags and the plants entirely.
- Odours – Cannabis plants are organic materials and have a strong and identifiable odour. The storage facilities will have a build-up of odour, over the length of time that the exhibits are in situ. Note: This does not involve a risk to health per-say, although it can result in an unpleasant work environment.

- Lack of Storage – The property stores are operating at capacity and prolonged storage of exhibits whilst awaiting Forensic Analysis must be avoided. By expediting the plant exhibits to the lab, the case must progress as quickly as possible, avoiding congesting the Property Store further.

12.2 The lab submission form (MG21) is usually simple, and only needs to ask for:

- Confirmation that the plants are cannabis.
- Estimate of potential yields.

12.3 Officers must also send with the forensic submission:

- Copy of the CSI reports from the scene with all details as per section 6. (This will be available on Niche and photos will be on Niche & NICE respectively).
- Copy of seizure log (listing all items seized not just those submitted to the laboratory).
- Images from the scene.

13. Transport and disposal of non-evidentiary plants.

13.1 Non evidentiary plants that have been left in sealed tagged bags at the secure non-evidential plant holding area will be collected by members of Estates and Facilities and transported to Kingstanding for destruction via composting.

13.2 The collection, transport and subsequent composting must be carried out by a minimum of two people, one to conduct the actions and the second person to act as a witness.

13.3 Upon collection of the non-evidential plants the Transit Sheet (Annex 2) must be completed with all collected tag numbers entered.

13.4 At Kingstanding the tagged bags must be opened and all plants removed and placed into the secure composting area where they will be left to degrade. The plastic bags must be entirely empty of all plant material (leaves, stalks, flower) and these will then be removed and placed inside a suitable waste container.

13.5 The Transit Sheet must then be finalised with the date and time of destruction at Kingstanding and signed by both parties present. This form must then be filed and kept by the Facilities Teams in line with data storage requirements.

14. Cannabis Factory Go-Bags for officers

14.1 To assist officers with cutting down the evidentiary and non-evidentiary plants Go-Bags for cannabis factories will be kept on Divisions. There will be a minimum

of 2 such bags per Division which must be kept fully stocked and available to all teams for deployment.

14.2 The Go-Bags will contain agreed beneficial equipment which is listed in Annex 3 Cannabis Go Bag Stock List – it is the responsibility of Divisional Teams using these bags to ensure that they are kept stocked and to place any orders required to ensure stock levels are maintained.

15. Extraordinarily Large Production Sites

15.1 If the grow site is extraordinarily large and would be considered detrimental to the force in terms of resourcing the dismantling of the plants and transportation then Grundons can still be requested to attend to dismantle and remove. This will only be considered in extreme cases and must be approved by the Duty Gold Commander and must be recorded on the CAD.