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Improvement Agency

PROFESSIONAL PRACTICE

PRACTICE ADVICE ON TACKLING COMMERCIAL CANNABIS CULTIVATION AND HEAD SHOPS

2009

Produced on behalf of the Association of Chief Police Officers
by the National Policing Improvement Agency

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PRACTICE ADVICE ON TACKLING COMMERCIAL CANNABIS CULTIVATION AND HEAD SHOPS

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FOREWORD

This document provides good practice advice to police forces on how to tackle commercial cannabis cultivation and head shops.

Following its reclassification to Class B on January 26th this year, there is a clear expectation of a more robust enforcement stance towards the possession and supply of cannabis. More robust enforcement is necessary to reduce the availability of 'skunk' and stronger varieties of cannabis on our streets.

This guide gives advice and outlines examples of good practice in relation to action to reduce the availability of cannabis through enforcement agencies tackling production and disrupting organised crime by focusing on issues surrounding commercial cultivation. It also addresses how to tackle head shops and the associated sale and promotion of cannabis cultivation equipment and paraphernalia.

The commercial cultivation of cannabis increasingly involves organised criminal networks and tackling this has become a significant challenge for the police, their law enforcement partners and other agencies. This is evidenced through the *UK National Baseline Assessment on the Commercial Cultivation of Cannabis (2008)*, which identified that, during the period 1 April 2007 to 31 March 2008, almost all UK Police Forces had discovered large-scale cannabis cultivations. A total of 5525 cannabis production offences were recorded, which included the identification of 3032 cannabis farms, and 20 metric tons of cannabis plants seized, with a wholesale value of £60.2 million.

This document offers evidence-based good practice which chief officers may find useful in disrupting activity that leads to the cultivation of cannabis at all levels, and practitioners are encouraged to use this guide to review their force's current policies and processes for tackling head shops. They are also encouraged to remain aware of emerging issues and newly developing innovative good practice in this area.

In the same way, the experience and good practice gained through your enforcement activities will be captured and used to build on this guide for the future.



Commander Allan Gibson
Chair, Commercial Cultivation of Cannabis Working Group

Section 1

THE LEGAL AND POLICY FRAMEWORK

This section details the legal and policy framework relating to cannabis cultivation and head shops.

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1.1 PRIMARY DRUGS LEGISLATION

The primary drugs legislation that relates to the investigation of cannabis cultivation and head shops is set out in **1.1.1 The Criminal Law Act 1977** to **1.1.6 The Regulation of Investigatory Powers Act 2000**. Further information about these Acts of Parliament can be found in:

- The Police National Legal Database (PNLD) at <http://www.pnld.co.uk/docportal/content/commercial3.htm>
- The UK Parliament website at http://www.parliament.uk/business/bills_and_legislation.cfm
- The Office of Public Sector Information at <http://www.opsi.gov.uk/>

The definition of a cannabis farm, as used in this document, can be found in **2.1 Cannabis Farms**.

The definition of a head shop can be found at **3.1 Head Shops and Shops Supplying Cannabis Cultivating Equipment**.

1.1.1 THE CRIMINAL LAW ACT 1977

The cultivation of cannabis is illegal. Cannabis is defined by the Criminal Law Act 1977, section 52 as:

‘Cannabis’, (except in the expression ‘cannabis resin’) means any plant of the genus Cannabis or any part of any such plant (by whatever name designated) except that it does not include cannabis resin or any of the following products after separation from the rest of the plant, namely –

- a) mature stalk of any such plant,
- b) fibre produced from mature stalk of any such plant, and
- c) seed of any such plant.

Cannabis seeds are not a controlled drug, and the sale of cannabis seeds is not illegal, however, any attempt to germinate cannabis seeds is considered to be cultivation.

The Criminal Law Act does not make any reference to the potency, or tetrahydrocannabinol (THC) content, of cannabis. It is illegal to cultivate cannabis irrespective of its THC content. For an explanation of THC, see **2.3 Cultivation of Cannabis**.

1.1.2 THE MISUSE OF DRUGS ACT 1971

The Misuse of Drugs Act 1971 establishes a series of criminal offences for the unauthorised possession, supply and production of drugs that are controlled under the Act. Under the Act, controlled drugs are divided into three Classes: A, B and C. These Classes establish the maximum penalties for each offence.

On 26 January 2009 cannabis was re-classified from a Class C drug to a Class B drug. By re-classifying cannabis the government aims to achieve:

- More robust enforcement against cannabis supply and possession, with escalated action against adult repeat offenders of cannabis possession;
- A reduction in the availability of cannabis, particularly high potency cannabis commonly known as skunk, by supporting law enforcement agencies in a strategic and targeted approach to tackling cannabis supply and production, and the disruption of organised crime.

For a list of drug classifications, see

<http://www.homeoffice.gov.uk/drugs/drugs-law/Class-a-b-c/>

There are two sections that apply to the growing of cannabis:

- Production – section 4(2); and
- Cultivation – section 6(2).

A charge of cultivation should be used for small-scale growing operations with no commercial aspect. There should be no evidence of supplying to others, but each case must be judged on the individual circumstances. The offence of production is more serious and covers larger-scale growing operations with a commercial aspect. The relevance of charging with this offence is that if a person is convicted of cannabis production, the Proceeds of Crime Act 2002 can be used to trace and seize assets.

Section 8 of the Act makes it an offence for occupiers or persons concerned in the management of premises to knowingly permit or suffer activities relating to the production or supply of drugs controlled under the Act, to take place on the premises.

Section 9A forbids the unlawful supply of articles for administering controlled drugs. The sale of any article is prohibited where the supplier **believes** that it will be used in circumstances where the administration of a controlled drug is unlawful.

1.1.3 THE MEDICINES ACT 1968

The Medicines Act 1968 governs the manufacture and supply of medicine. It makes the sale or possession of prescription only medicines without a prescription a serious offence. Drugs such as amyl nitrate, gamma-hydroxybutyrate (GHB) and ketamine are regulated under the Medicines Act. GHB and ketamine are also Class C drugs under the Misuse of Drugs Act 1971.

1.1.4 THE SERIOUS CRIME ACT 2007

The Serious Crime Act 2007 replaced the common law offence of incitement, with a statutory offence of encouraging or assisting crime. The Act came into effect on 1 October 2008.

Part 2 of the Act deals with encouraging or assisting crime, in relation to inchoate offences. Section 45 states that a person commits an offence if:

- a) he does an act capable of encouraging or assisting the commission of an offence; and
- b) he believes –
 - i) that the offence will be committed; and
 - ii) that his act will encourage or assist its commission.

The Serious Crime Act 2007 has not been tested in relation to shops supplying cannabis cultivating equipment. However, this is a powerful piece of legislation and its use should be considered. The provisions of encouraging and assisting an offence are wider than the common law offence of incitement. An offence of assisting the cultivation of cannabis could include, for example, a head shop owner assisting the cultivator by providing information or advice about growing cannabis.

1.1.5 PROCEEDS OF CRIME ACT 2002

The powers of confiscation provided by the Proceeds of Crime Act 2002 (POCA) allow the police to have a significant impact on a head shop or a cannabis cultivator's business by preventing either from profiting from their unlawful activities. Financial investigators (FIs) may offer alternative investigative opportunities that save time and money. They can also provide valuable evidence-in-chief. Their early involvement is critical as their investigative skills and knowledge of how to apply the legislation mean that opportunities to disrupt criminality are maximised. A key consideration is whether there are assets that can be restrained, thereby disrupting future activity.

The use of these powers can attract positive media coverage. This may reassure the public that the police are taking positive action against drug dealers. It also sends a clear message that cultivating cannabis may not be a profitable enterprise.

Where those to be charged have made a financial gain from their activity, officers should suggest criminal lifestyle charges to the Crown Prosecution Service (CPS). These are defined by section 75 POCA and include various drug trafficking offences, for example:

- Misuse of Drugs Act, 1971: sections 4 (2), 4 (3), 5 (3), 8 and 20;
- Conspiracy to commit the offences in sections 4 (2), 4 (3), 5 (3), 8 and 20 of the Misuse of Drugs Act, or aiding or inciting these offences;
- An offence committed over a period of at least six months.

For more information on POCA, investigators should seek advice from their Force Intelligence Bureau (FIB) or Financial Investigation Unit (FIU), and **ACPO (2006) Practice Advice on Financial Investigation** and **ACPO (2008) Practice Advice on the Management of Proceeds of Crime Legislation**.

1.1.6 THE REGULATION OF INVESTIGATORY POWERS ACT 2000

Part II of the Regulation of Investigatory Powers Act (RIPA) provides a statutory framework for the authorisation of certain conduct which would otherwise amount to unlawful interference with a person's right to respect for private and family life under Article 8 of the European Convention on Human Rights (ECHR). Authorisation properly granted under Part II of RIPA will satisfy the tests of lawfulness, necessity and proportionality as required by the ECHR.

Part II of RIPA is **enabling** legislation. It places no obligation on public authorities to obtain authorisation for the use of either covert surveillance or a covert human intelligence source (CHIS). The Act simply makes authorisation available to the police and law enforcement agencies in order to reduce the likelihood of civil action for unlawful interference with a person's rights under Article 8 of the ECHR.

When considering whether an authorisation is appropriate, see *ACPO (2008) Guidance on the Lawful and Effective Use of Covert Techniques – The Legal Framework and Covert Operational Management (Restricted)*.

The first point of contact for advice should be the force Covert Adviser.

Further advice can be sought from the NPJA Specialist Operations Centre, Single Source of Advice in relation to RIPA.

Telephone 0845 000 5463

Email soc@npja.pnn.police.uk

1.2 NATIONAL AND LOCAL POLICY

Further information on the investigation of drug offences can be found in *ACPO (2008) Practice Advice on the Investigation of Drug Offences (Level 1) (Restricted)*.

For advice on dealing with offences of possession of cannabis, see *ACPO (forthcoming) Guidance on Policing Cannabis Possession – Revised Intervention Framework*.

Details of Home Office policy and guidance on drugs can be found on the Home Office website <http://www.homeoffice.gov.uk/drugs> and also on the Home Office drug practitioner's website <http://www.drugs.gov.uk>

For Wales, further information can be found on the Welsh Assembly Government website <http://www.wales.gov.uk>

Officers should ensure that they are familiar with force policies regarding dealing with cannabis farms, as any officer may discover a cannabis farm in the course of their duties.

Section 2

CANNABIS FARMS

This section contains information on the detection, forensic examination and investigation of cannabis farms.

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2.1 CANNABIS FARMS

In this practice advice the term cannabis farm is used to refer to commercial or residential premises which are used to grow cannabis. Cannabis farms are also known as cannabis factories or cannabis grows. Premises used as cannabis farms will have been adapted to the extent that the normal usage of the premises, or part of the premises, will not be possible. Cannabis farms range in size from just part of a room, a whole house or a commercial property such as a warehouse. The overall appearance of the premises, in combination with any available intelligence, will provide an indication as to whether the site is, was, or is intended to be a cannabis farm.

2.2 CONTEXT AND TRENDS

Since 2003 there has been an increase in illicit commercial cannabis cultivation in the UK. *Yorkshire and Humberside Regional Intelligence Unit (2008) UK Baseline Assessment on the Commercial Cultivation of Cannabis*, hereafter referred to as the *UK Baseline Assessment (2008)*, recorded that ninety-four per cent of cannabis farms were situated within domestic (dwelling) premises, and that the majority of cannabis farms were discovered as a result of reports of suspicious activity from members of the public.

Research by the University of Portsmouth (2008) estimates that seventy-five per cent of farms are run by Vietnamese organised crime networks and that it is likely that the majority of Vietnamese people involved in cannabis cultivation are not legally in the UK. (*University of Portsmouth (2008) The Context and Motivation for Illegal Migration from Vietnam to the United Kingdom.*)

Investigators should not assume that all cannabis cultivation is run by a Southeast Asian organised criminal network. For example, the *UK Baseline Assessment (2008)* recorded that there is evidence to suggest that criminal networks of other nationalities are becoming increasingly involved. Being familiar, however, with the structure and tactics typical of Southeast Asian organised criminal networks may assist in the prevention and detection of cannabis farms and the development of intelligence.

2.3 CULTIVATION OF CANNABIS

Officers and staff dealing with cannabis farms should have an understanding of the life cycle of the plant and the methods used in production. Officers should refer to *Forensic Science Service (Issue 4, March 2008) The Examination of Cannabis Cultivation Scenes, Guidance for Police Officers.*

The psychoactive chemical in cannabis is Delta-9-Tetrahydrocannabinol, known as THC. The level of this chemical determines the potency or quality of the cannabis. THC is at its highest concentration in the flowering heads of the female plants. *Home Office Scientific Development Branch (2008) Cannabis Potency Study* showed that intensively farmed cannabis has an average THC level of sixteen per cent.

When grown indoors, the cannabis plants can be forced through their natural six-month growing cycle in eight to fourteen weeks. This is achieved by manipulating the hours of light and dark, using high-intensity lights and timers, to induce growth and flowering. Growers can produce consecutive crops throughout the year.

Plants can be grown from seeds or from cuttings taken from specially selected mother plants. In order to maintain a regular supply some growers will have plants at different stages of growth (eg, flowering plants – current crop, non-flowering plants – follow-on crop, cuttings – potential future crop). Commonly, plants are grown in soil-based mediums in pots or grow bags and watered with specific nutrient solutions.

The following key features may be present at cultivation sites. The examination of these could play a key part in the investigation of such scenes:

- Lighting systems;
- Reflective wall coverings;
- Air extraction, circulation and ventilation systems;
- Plant nursery area;
- Mother plants (plants from which cuttings are taken);
- Documents, receipts and other papers indicating purchases and growing schedules;
- Tubs or boxes of plant nutrients and/or chemicals;
- Associated equipment, eg, acidity monitoring equipment;
- Pumping systems and growing tanks (hydroponics);
- Micron bags (bubble bags used in the production of cannabis resin);
- Scales and self-seal bags.

2.4 HEALTH AND SAFETY OF OFFICERS

Forces should have a generic health and safety risk assessment for officers and staff entering a cannabis farm. A scene specific risk assessment must be carried out by the supervisor at the scene. The heat and bad ventilation mean that officers and staff should limit the time they spend inside a cannabis farm, and they should take regular breaks in the open air. The generic risks associated with a cannabis farm are described in **Appendix 8**.

Appropriate personal protective equipment (PPE) should be worn by all those who enter a farm, including over suits and face masks. Where cannabis plants are found actively growing, it would be extremely unusual to be exposed to a hazardous spore concentration. However, where a crop is heavily covered in powdery mildew, there is a small risk of spores becoming airborne, and a face mask should be worn in these circumstances. Dry plant material can be dusty and the plant material may irritate the eyes, nose and throat. This risk is not related to the THC content in cannabis, the same hazard exists with any dry plant material. In addition, the dry plant material can cause skin irritation and skin should remain covered.

There is a risk that the premises used for the cultivation of cannabis may have been booby trapped. Booby traps can include electric wires attached to doorknobs or window frames and the mains electricity, splayed metal placed over door bolts, or containers of acid placed above doorways. Booby traps may be activated when the cannabis farm is occupied or unoccupied. Information regarding the nature of any booby traps that are discovered should be shared with the police force concerned and, nationally, via the ACPO Drugs Standing Working Group.

The occupants of cannabis farms may have weapons. Officers should be aware that the occupants of the farm may mistake police officers entering the premises as an attack from rival cannabis growers. Before declaring a scene is safe, officers should consider and check for occupants who may be hiding on the premises, for example in lofts or cellars.

2.5 TECHNICAL DETECTION OF CANNABIS FARMS

Most cannabis farms use high-powered lighting and heaters, both of which emit higher levels of heat radiation than their surroundings. This will usually be visible in the thermal image of the roof of the building. Thermal imaging cameras can be used on board a helicopter, or as hand-held devices.

The use of thermal imaging equipment is unlikely to result in obtaining information about an individual which would reasonably be regarded as an interference with their ECHR Article 8 rights to respect for private and family life. Authorisation as directed surveillance will, therefore, rarely be appropriate.

For further advice contact the NPIA Specialist Operations Centre, Single Source of Advice in relation to RIPA.

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Forces should develop their own policies regarding the use of thermal imaging. Officers should not act solely on the results of thermal imaging as positive results could have other causes, for example insufficient roof insulation.

2.6 ENTERING AND EXAMINING CANNABIS FARMS

2.6.1 PLANNING

Planning the entry to a cannabis farm will enable efficient handling of the scene. The planning process should include consultation with all agencies who may need to be involved in dealing with the farm. This may include the electricity supplier, a forensic manager and a waste disposal company. Consideration should be given to the assistance that the UK Border Agency (UKBA) could provide to the operation. The CPS should be consulted at the planning stage to provide advice on the type of evidence that needs to be seized and kept, and what can be destroyed after being photographed.

The following good practice should be considered at the planning stage:

- Ensuring there are enough daylight hours to search the property (as the electricity will have been switched off at the cannabis farm by the electricity supplier);
- The health and safety of officers and the possibility of booby traps (see **2.4 Health and Safety of Officers**);
- Ensuring that there are enough officers to deal with prisoners and conduct searches;
- The required level of resources – scenes can be very resource intensive, and farms may be larger or require more resources than was anticipated;
- A forensic strategy;
- An evidence strategy – seize what is required to prove the case, and never leave anything at the scene which could allow the growing process to be set up again immediately;
- A media strategy – cannabis farms are popular in the media when tackled, and there is the potential for positive and negative media coverage.

2.6.2 LEVEL OF EXAMINATION

Forces should develop their own policy for the forensic examination of cannabis farms. The senior investigating officer (SIO) should decide on the appropriate level of forensic examination, as examining a cannabis farm can be resource intensive and time consuming. Selecting the tactics to use will depend on whether the aim is disruption, or an investigation and prosecution. A disruption strategy may be appropriate for a farm with no obvious links to other cannabis cultivating premises, and where there is no other criminal intelligence supporting a link to an organised criminal network. If the farm does have intelligence or forensic links to other cannabis farms, an investigative forensic strategy should be adopted.

Where the intention is to disrupt the farm, the level of forensic examination required is less, although intelligence should be gathered for future prosecutions. Planning the forensic strategy and making arrangements for waste disposal in advance is an efficient way of dealing with cannabis scenes.

The aims of the two types of forensic examination are detailed in **Table 1**.

Table 1 Levels of Forensic Examination

Disruption Level I National Intelligence Model	Identity of crop.
	Estimated potential yield.
	Basic fingerprint/DNA retrieval.
	Intelligence gathering.
Investigation Level II National Intelligence Model	Identity of crop.
	Estimated potential yield.
	Identify who has been at the scene.
	Identify those who assembled the equipment, and articles brought to the scene by other people.
	Establish where the crop was destined (distribution network).
	Intelligence gathering.

2.6.3 SCENE EXAMINATION

Before officers attend a cannabis farm, the following should be undertaken:

- Contact the electricity company (supplier) and/or gas company to make the supply within the property safe, and report on illegal use of electricity/gas;
- Make arrangements for skips and for removing waste;
- Make arrangements for storage of exhibits, including equipment;
- Carry out a thorough intelligence search on suspects and the property;
- Carry out a financial intelligence search, which may suggest the owner of the premises is complicit or connected to other nearby premises;
- Brief officers and crime scene investigators (CSIs); include a health and safety risk assessment in the briefing.

On attendance:

- Consider requesting a scientist to attend, particularly for a large farm, unusual layout, or unusual cultivation equipment. The scientist can assist the crime scene manager (CSM) and provide advice for future investigations. It is good practice for the CSM to have attended at least one cannabis scene with a forensic scientist.
- Photograph and sketch a plan of the layout (number the rooms).
- Measure the dimensions of each room.
- Take samples of the plants.
- Count the number of plants in each room and batch.
- Record the number of plants, lamps, transformers, timers (and their settings) in each room.
- Photograph in close-up manufacturer details on equipment.
- Retrieve DNA.
- Examine fingerprints.

2.6.4 CRIME SCENE INVESTIGATION

The plants and equipment must be counted and recorded thoroughly and methodically. Samples must also be taken of plants and equipment. The CSI should record the scene using video, taking photographs and sketching a plan of the whole house. The rooms should be numbered on the sketch plan. If possible, this should be photocopied and a copy given to each police officer, to prevent confusion when recording exhibits.

CSIs should photograph a typical sized plant from each batch, with the full height of the plant visible against a scale. It may be necessary to photograph the top of the plant at close range in order to have a clear photo of the measurement. A label showing the room number should appear in every photo. The number of plants in each room should be counted and recorded.

Equipment should also be photographed, showing the manufacturers details. CSIs should count and record the number of lamps, reflectors, transformers and timers in each room. The settings on the timers should be recorded, to show the number of hours the light is set to be on and off. (The time that the light comes on and off is not important.)

2.6.5 TAKING SAMPLES OF PLANTS

Plants in a cannabis farm are usually divided into batches. A room may contain a number of batches of plants at different stages of growth, or separate rooms may be used for different batches. Batches are identified by:

- Plant size;
- Leaf shape;
- Presence of flowers;
- Lighting conditions.

Two complete plants from each batch should be seized as exhibits. Flowering plants can be cut off just above the roots. Non-flowering plants should include the roots, which assist in identifying whether the plant is from a cutting or seed and with identifying whether it is male or female. As much soil as possible should be removed, and the roots packaged in a plastic bag (the roots will soak through a paper bag). Alternatively, the roots can be cut from the plant and produced as a separate exhibit, packaged in a plastic bag, and the rest of the plant, clearly identified as the same plant, exhibited in a paper bag. The plants should be packaged unbent in paper bags with the top folded over and stapled. Packaging the plants in plastic bags hastens the decomposition and makes them harder to identify. The two plants should be packaged together as one exhibit.

Small cuttings or seedlings can be exhibited in their propagators or trays. Mother plants (from which cuttings are taken) should be cut off above the roots and submitted whole. It may not be possible to identify mother plants at the scene; the forensic provider can be contacted for expert advice, if necessary. The number of plants in each room has to be counted, along with old root balls, cuttings or seedlings in propagators. Cuttings may also be stored in fridges, wrapped in newspaper. All living and dead plants should be counted, and samples taken of them. Fertiliser should be photographed and listed with the details of the brand name, volume and manufacturer.

2.6.6 IDENTIFICATION – DNA AND FINGERPRINTS

Fingerprints or DNA should be taken at the scene of the cannabis farm to identify the organisers, rather than the gardener. The crime scene manager (CSM) and the SIO must decide on the level of fingerprint work required, depending on the circumstances of the case and level of investigation. The CSM should consider whether the attendance of fingerprint development technicians would be appropriate, or if the recovery of items for treatment would be more suitable.

The CSM and SIO should consider whether all, or a representative sample of, DNA exhibits should be taken, depending on time constraints for the examination and the strategy for the investigation.

Where there are a number of rooms used for the cultivation of cannabis, all items should be fingerprinted in one room, and a representative sample taken from all other rooms, as appropriate to the investigative strategy.

2.6.7 INTELLIGENCE GATHERING

Intelligence should be entered onto the force intelligence system in order for it to be searched and retrieved in the future. Intelligence should be recorded and evaluated in the 5x5x5 format, as described in *ACPO (2005) Guidance on the National Intelligence Model*.

Effective intelligence collection will assist the Regional Intelligence Units (RIUs) to identify links between forces and regions more accurately, thereby enabling serious and organised cross-border crime to be tackled effectively.

Enquiries should be made with the landlord or letting agent of the premises. The landlord may be unaware of the cannabis farm, or may be aware of the farm but willing to turn a blind eye for an increased rental payment, or may be providing more than one property to the criminal network. Intelligence gathering should focus on who has been at the scene, and those who are involved but may not have been to the scene, especially where an organised criminal network is suspected of being involved.

All paperwork found at the scene should be seized and examined, including:

- Passports;
- Immigration documents;
- Shopping lists;
- Address books;
- Growing instructions and schedules;
- Tenancy agreements;
- Invoices, utility bills, mobile phone bills;
- Business cards;
- Banking details;
- Documents identifying other premises or business interests.

Searches of linked addresses can be made using warrants under section 18 or 32 of the Police and Criminal Evidence Act (PACE) 1984.

See **Appendix 7** for an example of a letter that can be sent to landlords. For further information see **2.7.1 Financial Investigation**.

For information on intelligence development opportunities, see **2.8 Intelligence Development Opportunities**.

2.6.8 DEACTIVATING AND DISMANTLING CANNABIS FARMS

All plants should be removed and disposed of and growing equipment cut down and removed. Equipment should be separated into plastics, metal and soil. All vegetable material should be securely incinerated. Containers of fertiliser should be carefully disposed of. The police should work with waste disposal companies and other agencies to develop an efficient process for disposing of equipment and plants.

2.6.9 LABORATORY SUBMISSIONS

Forces have their own processes for submitting evidence to the forensic laboratory. A set of scenes of crime photos, a copy of the sketch plan of the scene and a chart of the room contents should be sent to the lab with the plant samples. This will help the scientist to identify the plants, as they are likely to have wilted or died without water. Laboratory submissions will usually ask:

- For confirmation that the plants are cannabis;
- Whether the plants are female (any male plants will affect crop yield and value);
- Whether they have been grown from cuttings or seeds;
- How many 'flowering tops' are present on each plant;
- For an estimate of potential annual yield;
- Percentage THC content (if appropriate).

The assessment of the THC content can be used in evidence to show the quality of the plant. The forensic services provider will be able to calculate the anticipated yield from the premises, for evidential purposes.

2.7 INVESTIGATION OF CANNABIS FARMS

2.7.1 FINANCIAL INVESTIGATION

Financial analysis and investigation may identify the opportunities for cash seizures and seizing identifiable assets, under the Proceeds of Crime Act 2002, from those facilitating or involved in cannabis cultivation.

Financial investigation offers a set of investigative techniques that can be used with other tactical options. A financial investigator should be consulted as early as possible in an investigation and, where possible, at the planning stage. The financial investigator can give advice on how their skills can be used to create opportunities to enhance the quality of the investigation. They may provide important evidence-in-chief that any lead investigator can use, as well as assisting with restraint orders that can be used to disrupt criminal activity and protect assets for future confiscation.

At the outset of an investigation a financial investigator should be tasked to identify:

- The owner of the premises;
- Whether the owner has other rental properties;
- Financial transactions that link the owner to the premises.

The financial investigator's initial findings will determine the strategic direction of the enquiry. Where the financial investigator has established that suspicious links exist between the address and its owner, coordinated planning will be required in order to secure best evidence from both the farm address and the owner's premises. Where links are established between a number of addresses, a coordinated approach should be taken.

Consideration should be given to a financial investigator being present at the search of the premises, to review documents available for seizure.

After the search, officers should consider visiting the landlord with a view to interviewing them and obtaining a statement. If a statement cannot be obtained, a letter should be sent to the landlord requesting:

- Information about the current tenancy;
- A list of other rental premises owned or controlled by the landlord;
- That they read the leaflet provided regarding how to detect suspicious tenants.

A record should be kept of such letters in case they are required as evidence of future complicity in the running of cannabis farms. Consideration should be given to undertaking routine checks on other premises controlled by the landlord, to establish if they are being used for cannabis farming. An example letter can be found in **Appendix 7**.

The investigation of some financial offences, for example, money laundering, does not always require a financial investigator; SIOs should have sufficient knowledge to be able to lead such investigations. For further information see **ACPO (2006) Practice Advice on Financial Investigation** and **ACPO (2008) Practice Advice on the Management of Proceeds of Crime Legislation**.

2.7.2 OPERATIONAL CONSIDERATIONS

Investigations of cannabis farms may uncover other serious crime, for example, immigration offences, people trafficking, money laundering, assaults, blackmail, kidnap and murder. Where there are known links to other force areas, intelligence should be shared between forces and, where relevant, with the Serious Organised Crime Agency (SOCA) and Scottish Crime and Drugs Enforcement Agency (SCDEA). Trends have shown that where criminal networks are involved, the discovery of cannabis farms displaces the network to another area.

Intelligence about where equipment found at cannabis farms has been purchased should be circulated in the area concerned. The best intelligence can be gained through documents, and suppliers of equipment.

Positive media coverage about the discovery of cannabis farms and prosecution of offenders sends a message to the public and encourages them to provide further information about drug offences. This is especially important in communities that are normally reluctant to provide information to the police.

Post-investigation reviews should be conducted to share good practice and learning points between forces and other agencies involved. Forensic service providers should be involved in the review to help identify trends in production methods and any new developments. Reports can be shared through the ACPO Drugs Standing Working Group.

2.8 INTELLIGENCE DEVELOPMENT OPPORTUNITIES

Forces investigating illicit cannabis farms should seek opportunities to develop intelligence and assist with developing a national intelligence picture regarding the individuals, networks and the tactics they use. Intelligence obtained during the course of operational activity or intelligence development work should be input into force and partner agencies' intelligence systems to enable an accurate assessment of the intelligence to be made. The RIU network can be the link between partner agencies to enable intelligence and information to be shared between organisations so that joint operational opportunities can be explored.

2.9 PROACTIVE PREVENTION MEASURES

Proactive measures should focus on how to make it more difficult for growers to find premises, buy equipment and operate cannabis farms. Many proactive prevention measures can be undertaken by working in partnership with other agencies, and examples are given in this section. Raising public awareness will help to create an environment in which cannabis cultivation is not an easy option for organised criminals.

Forces should be aware of the type of property that could be targeted for cannabis cultivation. For example, remote premises or rented property on new-build estates are often used because the lack of a community makes it more difficult for a suspicious routine or activity to be detected. Rented industrial premises used for large-scale cultivations are often in socially deprived areas or isolated areas. In England and Wales there are two main trade associations for landlords and letting agents: the Association of Residential Lettings (ARLA) and the National Landlords Association (NLA). ARLA has a code of conduct for those who join.

The following tactics have been used by Vietnamese and Southeast Asian organised criminal networks when renting property:

- Groups of Southeast Asians with only one spokesperson;
- Cash being offered to complete forms on behalf of the group;
- Cash paid up front for rental periods, damage deposits and administration fees;
- No identification immediately available.

Knowledge of the tactics used can assist in developing prevention measures.

Some forces have jointly produced an information booklet for landlords and this is available for adaptation by other forces. It can be obtained from the ACPO Commercial Cultivation of Cannabis Working Group.

Forces should work with other organisations to increase employees' awareness of the signs that a property is being used as a cannabis farm. For example, Royal Mail workers and electricity or gas meter readers may be used as a source of information, and local authority refuse collectors could be asked to report any suspicious refuse such as an excessive quantity of compost packaging. Examples of proactive partnership working can be found in **Appendix 9**.

Operation League

In early 2006, it was assessed that the issue of large-scale cannabis cultivations was an emerging area of criminality throughout Scotland. Intelligence provided that specific organised crime groups, having in the main been dispersed from England by policing activity, had entered Scotland and were continuing this type of criminal activity. A number of large-scale cannabis cultivations were identified within both residential and commercial premises. The operational policing response to such activity was to commence Operation League, which was an intelligence and enforcement operation coordinated by Strathclyde Police.

Assistance was provided by the Scottish Crime and Drug Enforcement Agency (SCDEA) with a view to disrupting and dismantling the serious organised crime groups involved in such cultivations. The SCDEA, through its Interventions Unit, identified areas, people, and businesses throughout the communities of Scotland that were vulnerable and at risk to this form of criminality. The Unit thereafter targeted these key areas through new and innovative intervention techniques and by raising awareness, in an effort to prevent and detect such criminality, and to make the environment a more hostile place for serious organised crime to operate.

Under the auspices of Operation League and in support of the enforcement activity, a high-profile media strategy was implemented which included television, radio and national newspaper exposure. As a result of continued enforcement and intervention activity related to this operation, Operation League has become synonymous with the public in Scotland as being associated with the disruption and dismantling of cannabis cultivations and serious organised crime.

Continued overleaf

Interventions tactics included:

- Landlord registration – under Part 8 of the Antisocial Behaviour etc. (Scotland) Act 2004, almost all private landlords in Scotland must apply for registration with their local authority. Information leaflets were included within landlord registration packs that are issued by local authorities, and updates were sent to existing landlords highlighting good practice in the management of rented properties and potential tenants.
- Commercial and residential letting agents – information was displayed on letting agents' internet websites on how landlords could protect their properties.
- Local authorities – all thirty-two local authorities in Scotland were contacted and provided with leaflets. Information was also displayed on their internet websites, local community magazines and newspapers. Information leaflets were displayed within public buildings including community centres and libraries.
- Community police officers gave information at public/community meetings and neighbourhood watch meetings, and provided attendees with useful information on how they could assist in the prevention and detection of cannabis cultivations. Community safety was always highlighted, detailing the potential fire risk that cultivation could pose.
- DIY retailers – the Interventions Unit worked in partnership with the DIY industry. Information bulletins were developed by the SCDEA and distributed to employees. Training was provided as and when appropriate. Employees were advised of the items commonly found within a cultivation as well as methods of payments that have been used. Employees were asked to complete an activity report regarding suspicious behaviour, including bulk buying of items.
- Articles in retail magazines – to raise awareness of the problem and how retailers could assist.
- Bulletins to police forces regarding health and safety information, intelligence and information that would assist in the prevention and detection of this type of crime.
- Farming and Crofting Community – articles were published in farming magazines to make farmers aware that criminals may target farmers in financial difficulty. HM Revenue and Customs (HMRC) were contacted and asked to be extra vigilant when carrying out searches of farms to ensure that no outbuildings were being used for cultivations.
- Crimestoppers – anyone phoning Crimestoppers with information regarding drugs was asked whether they had any information about persons growing cannabis.
- Energy suppliers – using specialist equipment to identify cultivations. Dedicated engineers were on standby to assist police on particular days of enforcement in order to make premises safe. The dedicated engineers could then be used in court as witnesses to ensure consistency of evidence and confirm that there were similarities in methods used. Information can be provided to the energy company should they wish to recover revenue through civil litigation.

The Interventions Unit and the SCDEA will continue working to deal with the issue of cultivations linked to organised crime. Work in progress during 2009 has the potential to involve a number of partners and agencies such as:

- The Association of British Insurers;
- Royal Mail.

For further information on proactive and preventive measures, see *ACPO (2008) Practice Advice on the Investigation of Drug Offences (Level 1) (Restricted)*.

Section 3

HEAD SHOPS

This section contains tactics and options for dealing with head shops and shops supplying cannabis cultivating equipment. The most effective methods of disrupting head shops are, usually, through the powers of agencies other than the police. A partnership approach should, therefore, be taken to tackle this problem.

The term officer is used in this section to refer to officers of all partner agencies, as well as to the police.

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3.1 HEAD SHOPS AND SHOPS SUPPLYING CANNABIS CULTIVATING EQUIPMENT

The term head shop refers to shops, market stalls and internet traders which sell paraphernalia and equipment for using drugs (principally cannabis and cocaine), and legal alternatives to illegal drugs.

Merseyside Police have developed a policy bye-law with respect to drugs paraphernalia. It states that paraphernalia includes any item, 'whether useful for non drug related purposes or not, which is displayed, grouped with other items, advertised, or promoted in a manner to reasonably suggest its usefulness in the growing, harvesting, processing, manufacture, preserving, inhaling, injecting, or ingesting of cannabis.'

Head shops cause public concern for a number of reasons, for example, they:

- Display drug-taking equipment in windows;
- Suggest that drug taking is acceptable, or glamorise drug use;
- Sell paraphernalia for the use of drugs (principally cannabis and cocaine);
- Sell merchandise with drug references or drug-related designs;
- Sell items for growing cannabis, and books on how to grow cannabis;
- May be linked to other criminal activity.

Shops selling cannabis cultivating equipment, typically, also sell cannabis seeds and books on how to grow cannabis. Some shops sell the equipment both for using and for growing cannabis.

Officers should be aware that head shops sell drugs as legal alternatives to illegal drugs. These legal drugs may be illegal if sold without a prescription, or if they are sold for a purpose other than their prescribed purpose. For example, certain drugs are legal for use on animals but not for use on humans. The sale of cannabis seeds is not illegal; cannabis seeds are specifically exempt from the provisions of the Misuse of Drugs Act 1971, because they do not contain THC and have a number of legitimate industrial uses such as the production of hemp.

3.1.1 ONLINE HEAD SHOPS AND WHOLESALERS OF CANNABIS CULTIVATING EQUIPMENT

Some of the tactics described in **3.2 Prosecuting Head Shops** to **3.2.6 Planning Checklist** will be applicable to online traders and wholesalers. For example, the descriptions of products on the website, packaging and instructions on the products should be looked at for references to drugs. Links to other websites, for example, discussion forums on growing cannabis, may provide evidence of the purpose for which the products are sold. The investigation of online traders is the responsibility of the force in whose area the business premises are.

Wholesale suppliers of equipment for using or cultivating cannabis may purport to be legitimate businesses. A proactive intelligence-led operation may reveal an organised criminal infrastructure. Tackling a wholesale supplier will affect the business of the head shops being supplied.

When prosecuting a wholesale supplier, officers should seek to prove the knowledge and intent of the supplier, for example, when the seeds were sold along with the equipment necessary to grow them.

3.2 PROSECUTING HEAD SHOPS

The owners of head shops and shops selling cannabis cultivating equipment will claim that the equipment they sell can be used for legitimate purposes. Officers should consider which merchandise has no purpose other than for using drugs or growing cannabis.

Officers should be familiar with names of drugs and drug references. Products may be sold by head shops for a purportedly legal purpose, but the name of the product or terminology and pictures used on the packaging or instructions may reveal the actual purpose of the equipment. Officers should carefully examine products as references to drugs may only appear on instructions contained within the packaging.

Table 2 Considerations regarding items in head shops

Books	Does the shop sell books on any subject other than growing cannabis?
Seeds, seed catalogues	Does the shop only sell cannabis seeds, or seeds to grow other plants too?
Legal herbs	Are they really legal? Consult the Medicines and Healthcare products Regulatory Agency (MHRA).
Posters and advertising	Posters or advertising for groups campaigning for the legalisation of cannabis, or other shops and merchandise which would appeal to cannabis users or growers.
Growing equipment	Does the packaging or instructions make reference to growing cannabis?
Bubble bags, bubble sacs, bubbleators Equipment for producing cannabis resin	Equipment for the production of 'high-grade' (high THC content) cannabis resin has no legitimate use. For an explanation of THC, see 2.3 Cultivation of Cannabis . Does the packaging make reference to the production of cannabis resin?
Fertiliser	Does the packaging or instructions make reference to growing cannabis?
Paraphernalia for using drugs	Do the items bear references to drugs, for example, cannabis leaf designs?
Equipment to conceal the smell, noise or heat produced by a cannabis farm.	Officers should consider what legitimate use these products could have, and be able to argue that they have no other use.
Advertising in trade magazines	Shops may be advertised in trade magazines such as Red Eye Express, Weed World and Soft Secrets. These magazines are solely for and about cannabis growing.

3.2.1 TEST PURCHASE AND OBSERVATION

A test purchase can be an effective way of gathering evidence of the true nature of a business, and should be considered as a tactical option within the operational strategy.

This tactic should, however, only be used by trained officers, in accordance with *ACPO (forthcoming) Guidance on the Use and Management of Undercover Techniques*. Officers should seek advice from their force covert adviser when planning the operation, to ensure that appropriate considerations are addressed.

Covert observations of premises may be considered appropriate in order to establish patterns of behaviour and the movement of vehicles. Unless such observations are considered likely to interfere with a person's ECHR Article 8 rights to respect for private and family life, it is unlikely that RIPA authorisation will be necessary.

3.2.2 MEDICINES AND HEALTHCARE PRODUCTS REGULATORY AGENCY

The Medicines and Healthcare products Regulatory Agency (MHRA) is the government agency responsible for ensuring that medicines and medical devices work and are acceptably safe. Part of their role is to offer scientific, technical and regulatory advice on medicines and medical equipment. The MHRA also controls those substances that are not controlled under the Misuse of Drugs Act 1971.

The MHRA should be consulted in an investigation into head shops. They can provide information and advice on substances that the police may have little experience of, for example, determining whether drugs advertised and sold as legal are, in fact, legal. Many police forces have a single point of contact (SPOC) arranged with the MHRA.

Benzylpiperazine (BZP) is a synthetic drug which produces similar effects to amphetamine. It is controlled under the Medicines Act 1968 as a prescription-only drug, and, therefore, it is illegal to sell it in the UK. Head shops may advertise legal drugs as BZP free; the MHRA can test the drugs to determine whether they do contain BZP.

Note: The control of BZP under the Misuse of Drugs Act 1971 is pending (following a decision by the European Council in March 2007).

The MHRA's Intelligence Unit Case Referral Centre is the central point of contact for all MHRA enforcement-related enquiries.

Email: casereferrals@mhra.gsi.gov.uk

Telephone: 020 7084 2330

Further information can be found on the MHRA website <http://www.mhra.gov.uk>

3.2.3 EVIDENTIAL CONSIDERATIONS

A prosecution could consist of the following:

- Evidence from officers who made a test purchase;
- Evidence of visits to the shop by persons arrested for growing or producing cannabis;
- Witness statements from customers who have been arrested for growing cannabis;
- Items seized from the shop, for example, posters, books, seeds;
- Items seized from the shop that have no use other than for the production of cannabis resin;
- The sale of anti-detection devices, such as tin/aluminium foil;
- Evidence of advertising in magazines solely dedicated to cannabis growing;
- Business records.

All items in the shop should be photographed. Before seizing items from the shop, officers should consider which items will be needed as evidence, and whether any stock can be left in the shop. The costs involved in storing seized stock may be a consideration in this. Partner agencies and public bodies have a moral and legal obligation to prevent the shop from continuing its business while the prosecution is ongoing. Stock contained in the shop may represent the assets of previous criminal activity. Leaving stock in the shop can allow it to be moved and used elsewhere and for criminal activity to be continued at another venue. The acquisition, movement and use of criminally obtained stock can provide an opportunity for charging with money laundering offences.

3.2.4 CROWN PROSECUTION SERVICE

The Crown Prosecution Service (CPS) should be involved in the planning of an operation to prosecute a head shop. The CPS can provide advice regarding the charges which are applicable, the strategy to use for gathering evidence and the forensic strategy which will best support the charge. The strategy agreed with the CPS should not exclude further lines of investigation, such as evidence that may be found in searches or obtained from customers. Early consultation with the CPS to assist with case building is strongly advised.

3.2.5 EXPERT WITNESSES

Consideration should be given to who could provide evidence to show that the equipment sold by head shops is for using or cultivating drugs. For example, horticultural or agricultural colleges can be asked if they have ever used the products sold, or seen instructions similar to those accompanying the products.

3.2.6 PLANNING CHECKLIST

The following list should be considered when planning an operation against a head shop:

- Health and safety of police officers and staff involved.
- Forensic strategy.
- Evidence gathering strategy – what to seize?
- Have the CPS been involved? What is the charge?
- Have the MHRA been involved?

- Are the shop owners or staff involved in the cultivation of cannabis, or only in the sale of equipment?
- What will be done with the stock seized from the shop, and where will it be stored? Consider storage costs. Is it necessary to seize all the stock?
- Is there any financial intelligence to suggest that the financial activity is suspicious? This could include other offences such as mortgage fraud or money laundering.

3.3 DISRUPTING HEAD SHOPS AND SHOPS SUPPLYING CANNABIS CULTIVATING EQUIPMENT

Where it is not possible to close down a head shop, officers should consider how they can encourage a more responsible and low profile approach, for example, by taking steps to prevent them displaying items used for drug taking in the window.

Usually the most effective methods of disrupting head shops is through the powers of agencies other than the police. A partnership working approach should be adopted, and all relevant powers of partner agencies explored. The following examples may be used by the police in partnership with other agencies.

Local authority:

- Planning laws – restricting what shops can have in their window display. Restrictions on the names of shops and shop signs containing drug references.
- Licensing restrictions on shops and market stalls.
- An Anti-Social Behaviour Order (ASBO) may be considered if the shop is causing a nuisance, or attracting groups of people who cause a nuisance in the area.
- A Serious Crime Prevention Order (SCPO) against those involved in serious crime may be considered under the Serious Crime Act 2007, to prevent, restrict or disrupt the criminal activity.

Trading standards:

- If the shop is selling food and/or drink products, food safety and hygiene standards apply.
- Checking whether tobacco products have been sold to people under 18 years of age.

Fire and Rescue Service:

- Does the shop have potentially hazardous or flammable materials and substances in the window (for example, amyl nitrate)?
- If the shop is selling gas cylinders, are they stored correctly?

The powers of all law enforcement agencies should be considered, such as HMRC and the UK Border Agency (UKBA), in relation to customs and immigration offences.

APPENDIX 1

ABBREVIATIONS AND ACRONYMS

ABBREVIATIONS AND ACRONYMS

ACPO	Association of Chief Police Officers
ACPOS	Association of Chief Police Officers Scotland
ANPR	Automatic Number Plate Recognition
ARLA	Association of Residential Letting Agents
ASBO	Anti-Social Behaviour Order
CHIS	Covert Human Intelligence Source
CPS	Crown Prosecution Service
CSI	Crime Scene Investigator
CSM	Crime Scene Manager
DNA	Deoxyribonucleic Acid
ECHR	European Convention on Human Rights
FCO	Foreign and Commonwealth Office
FIB	Force Intelligence Bureau
FIU	Financial Investigation Unit
FSS	Forensic Science Service
HMRC	Her Majesty's Revenue and Customs
HO	Home Office
MHRA	Medicines and Healthcare products Regulatory Agency
MIB	Metropolitan Police Intelligence Bureau
NPIA	National Policing Improvement Agency
NIM	National Intelligence Model
NLA	National Landlords Association
OCN	Organised Crime Network
PACE	Police and Criminal Evidence Act 1984
PNLD	Police National Legal Database
POCA	Proceeds of Crime Act 2002
PPE	Personal Protective Equipment
RIPA	Regulation of Investigatory Powers Act 2000
RIU	Regional Intelligence Unit
SCDEA	Scottish Crime and Drugs Enforcement Agency
SCPO	Serious Crime Prevention Order
SIO	Senior Investigating Officer
SOCA	Serious Organised Crime Agency
SPOC	Single Point of Contact
THC	Delta-9-Tetrahydrocannabinol
UKBA	UK Border Agency
VOCND	Vietnamese Organised Crime Network Database

APPENDIX 2

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APPENDIX 3

USEFUL CONTACTS

USEFUL CONTACTS

The National Policing Improvement Agency (NPIA) Specialist Operations Centre

Single Source of Advice in relation to RIPA

Telephone: 0845 000 5463

Email: soc@npia.pnn.police.uk

Energy Networks Association

Telephone: 020 7706 5100

Email: info@energynetworks.org

<http://2009.energynetworks.org>

Energy Retail Association

Telephone: 020 7930 9175

Email: info@energy-retail.org.uk

<http://www.energy-retail.org.uk>

Forensic Science Service (FSS)

Telephone:

Birmingham: 0121 6076800

Chepstow: 01291 637100

Chorley: 01257 224300

Huntingdon: 01480 825000

London: 020 7160 4481

Whetherby: 01937 548100

Drugs Intelligence Unit: 0121 6076974

Email: diu@fss.pnn.police.uk

<http://www.forensic.gov.uk>

HM Revenue and Customs (HMRC)

<http://www.hmrc.gov.uk>

LGC Forensics

General enquiries telephone: 08442 641 999

Drugs Team Teddington: 0208 943 7000

Drugs Team Culham: 01235 551800

Drugs Team Runcorn: 01928 511202

Email: drugsinfo@lgcforensics.com

<http://www.lgc.co.uk>

Medicines and Healthcare products Regulatory Agency

Intelligence Unit Case Referral Centre

Telephone: 020 7084 2330

Email: casereferrals@mhra.gsi.gov.uk

<http://www.mhra.gov.uk>

National Landlords Association

Telephone: 020 7840 8900

Email: info@landlords.org.uk

<http://www.landlords.org.uk>

UK Border Agency (UKBA)

<http://www.bia.homeoffice.gov.uk>

APPENDIX 4

AREAS TO COVER

DURING INTERVIEW

AREAS TO COVER DURING INTERVIEW

The example set out in this appendix focuses on cannabis cultivation, but the principles explained should be used when dealing with suspects of investigations into head shops.

The need for comprehensive preparation for interviews cannot be overemphasised. The interview process should form part of the overall investigative strategy, and preparation should take place during the planning stage.

The interview should follow the PEACE model (Planning and Preparation, Engage and Explain, Account, Closure, Evaluation) for suspect interviews, and involve interviewers competent to conduct interviews in serious and complex investigations. For further information see *ACPO (2009) National Investigative Interviewing Strategy*.

PLANNING AND PREPARATION

When preparing for the suspect interview, consideration should be given to a pre-interview briefing with the suspect's legal representative. Supervisors should ensure that all officers conducting suspect interviews fully understand the role of the legal representative. It is the officer's responsibility to assess whether information should be disclosed to the legal adviser prior to, or during, any suspect interview. Decisions about pre-interview briefing should take into account the possibility that an unplanned pre-interview disclosure may have an adverse effect on the subsequent interview(s) and on the continuing investigation. See *ACPO (2006) Practice Advice on Dealing with Legal Advisers*.

Other considerations before starting the interview include:

- The interview structure.
- Significant statements or silences.
- The first question and supplementary question.
- Considering how 'no comment' answers will be dealt with.
- Considering whether to conduct several interviews to test the suspect's account once further information becomes available. Interviewers should avoid disclosing too much information at the outset of an investigation as this can give the suspect the opportunity to contrive explanations for evidence.

For further information see *ACPO (2006) Practice Advice on the Right to Silence* and *ACPO (2005) Practice Advice on Evidence of Bad Character*.

ACCOUNT

The account stage should comprise the following three stages:

- Suspect agenda;
- Police agenda;
- Challenge (if appropriate).

The suspect's account of the alleged offence is required first. At the start of the suspect agenda stage, therefore, the suspect should be given the opportunity to provide a comprehensive account in relation to the alleged offence for which they are being questioned. This should include their role in the offence (eg, as a gardener in the cultivation of cannabis). The main aim is to obtain the suspect's own uninterrupted account and then probe, expand and clarify that account.

During the police agenda stage, interviewers should seek to obtain a full and comprehensive account from the suspect, about themselves and their circumstances.

The final part of the account stage is to challenge the suspect's version of events, where appropriate. This may involve confronting the suspect with apparent lies or inconsistencies in their account.

In many interviews, although, the challenge should wait until after the interviewers have obtained the suspect's account and covered the police agenda. This is to avoid contaminating the suspect's account or creating conflict between the interviewer and suspect. A premature challenge could also confuse an innocent suspect, whereas, if allowed to continue talking, they may clarify or rectify a mistake. Further, an immediate challenge may allow a deceitful suspect to adjust an account to suit the evidence – there is merit in allowing them to confirm or compound the lie.

See *ACPO (2009) National Investigative Interviewing Strategy* for further advice on the interview, including the closure and evaluation stages.

APPENDIX 5

A GUIDE TO THE VIETNAMESE NAMING SYSTEM

A GUIDE TO THE VIETNAMESE NAMING SYSTEM

The Vietnamese naming system causes much misunderstanding amongst law enforcement personnel. An explanation of how Vietnamese names are compiled, how the surname is identified from other names, and the order they are written is provided in *Peter Clark (2007) Vietnamese Naming System*.

Vietnamese names generally consist of three parts: a family name, a middle name and a given name, used in that order. The Vietnamese language is tonal, and the same spelling of a name with different tones is a different name. The Vietnamese use nicknames extensively, particularly within family groups, close friends and associates. Usually only close family members use the full name, and the family name is not normally used between friends.

The Vietnamese language uses the same alphabet as the English language. Officers should ask Vietnamese suspects to write their names down.

APPENDIX 6

SUSPICIOUS ACTIVITY

REPORT

SUSPICIOUS ACTIVITY REPORT

This is an example of the suspicious activity report used by DIY retailers to provide information to Operation League. This template can be adapted for use by other agencies, for example, letting agencies.

ACTIVITY REPORT	
STORE	
EMPLOYEE NAME	
DATE OF INCIDENT	TIME
DESCRIPTION OF PERSONS INVOLVED	
MALE/FEMALE	AGE
ETHNIC ORIGIN	
HEIGHT	BUILD
DESCRIPTION	
METHOD OF PAYMENT CASH/CREDIT CARD	
NAME ON CREDIT CARD	
ITEMS PURCHASED	
IF ITEMS WERE DELIVERED, TO WHAT ADDRESS	
CUSTOMER VEHICLE REGISTRATION NUMBER	
CCTV IMAGE TO BE RETAINED AS POTENTIAL EVIDENCE	
Details of where to send the form	

APPENDIX 7

LETTER TO SEND TO LANDLORDS

LETTER TO SEND TO LANDLORDS

This is an example of a letter which could be sent to the landlord of a property that has been used as a cannabis farm.

Dear [insert name of landlord]

Re [insert address]

Records show that you have been the owner of [insert address] since [insert date].

Or

Records show that you are the director of a company that has owned [insert address] since [insert date].

If this is not the case, please disregard the rest of this letter and contact me at the above address so that I can amend my records.

This address was raided by officers of the [insert force name] on [insert date] and a cannabis farm was discovered there. The removal of the farm in the course of our investigation may have caused damage to your premises. I enclose a leaflet to assist you in avoiding this happening again. You are not eligible for compensation from the [insert force name] for any necessary damage caused in the course of our investigation.

As an owner of an address containing a cannabis farm, you need to be aware that it is a criminal offence, under the Misuse of Drugs Act 1971, to be concerned in the production of a controlled drug. This could include ownership of premises used for this purpose. It is also a criminal offence, under the Proceeds of Crime Act 2002, to acquire the proceeds of crime. This would include receiving rental income from premises used as a cannabis farm. Both offences carry prison terms upon conviction.

On [insert date] the police have evidence that your premises were being used for a commercial purpose, ie, cannabis farming. This may be contrary to local authority bye-laws. Therefore, as part of my obligations to the local Crime and Disorder Reduction Partnership, I have informed the local council planning office of the circumstances to see whether they wish to take action against you.

The ownership of the farm is being investigated and we would be grateful for any information that you may have to assist us. I enclose a leaflet explaining how to identify people attempting to obtain access to premises for the purpose of farming cannabis.

Please supply me with details of your tenant, including any correspondence that you may have had with them or with any other parties in connection with the occupation of your premises.

I also request that you supply me with a list of premises that are rented out by you. Your assistance in this matter is appreciated. You will understand that it is possible that other premises owned by you are also being used as cannabis farms. I would strongly advise you to read the attached leaflet in order to avoid finding yourself in these circumstances in the future.

I am not aware of any information that suggests that you were concerned in the production of cannabis at [insert address]. I have not, therefore, invited you to assist with my enquiries in person, but please feel free to contact me during office hours should you wish to do so, at the address given above.

APPENDIX 8

HEALTH AND SAFETY

RISKS ASSOCIATED WITH

CANNABIS FARMS

HEALTH AND SAFETY RISKS ASSOCIATED WITH CANNABIS FARMS

The table below describes the generic health and safety risks associated with illicit cannabis farms. It should be read in conjunction with [2.4 Health and Safety of Officers](#).

Hazard	Who may be harmed and how	Control measures
Attack by occupants.	First responders. Assault.	Trained and equipped police officers to enter first, and check premises are clear of occupants.
Mains electricity, unsafe bypass of meter, or temporary electrical wiring.	First responders, everyone inside or in immediate vicinity of premises. Electrocution.	Access and supply to be checked by electricity company engineer before anyone enters premises.
Mains electricity – deliberate booby trap, for example, door handle or window frame wired to mains.	First responders, subsequent entrants to premises. Electrocution.	Access and supply to be checked by electricity company engineer before anyone enters premises.
Danger from other utilities, gas and water.	First responders, subsequent entrants to premises. Falls, asphyxiation, gas explosion.	Engineers from utility companies to make safe.
Fire risk from electrical wiring or gas.	First responders, subsequent entrants to premises, neighbouring premises.	Advice from Fire and Rescue Service if necessary. Engineers from utility companies to make safe.
Hot equipment – lamps and bulbs.	First responders, subsequent entrants to premises. Burns.	Warn teams before entry. Ensure scene is adequately lit.
Low-level hanging equipment	First responders, subsequent entrants to premises. Bumps.	Warn teams before entry. Ensure scene is adequately lit.
Cables and hoses in rooms and access ways. Rooms congested with potted plants.	First responders, subsequent entrants to premises. Trips.	Warn teams before entry. Ensure scene is adequately lit. Clear walkways.
Darkness.	First responders, subsequent entrants to premises. Trips, bumps, falls.	Conduct scene examinations during daylight hours. Retain electricity supply if advised this is possible by electrical engineer. Use torches or other lighting equipment. Remove coverings from windows at earliest opportunity.

Hazard	Who may be harmed and how	Control measures
Odour from plants, mould from plants.	Teams working inside premises. Headaches, dizziness, breathing difficulties in people with respiratory problems.	Wear organic vapour masks. Regular open-air breaks. Ventilate by opening doors and windows at earliest opportunity.
Low oxygen levels due to carbon dioxide used to assist plant growth.	Teams working inside premises.	Regular open-air breaks. Ventilate by opening doors and windows at earliest opportunity.
Storage of waste and equipment in attic.	Teams working inside premises. Trips, bumps, falls.	Consider working at height or confined spaces regulations. Seek expert advice if necessary. Ensure scene is adequately lit.
Heavy equipment and potted plants.	Teams working inside premises. Injury from incorrect lifting.	Follow manual handling guidance.
Irritation from prolonged direct skin contact with plants.	Teams working inside premises. Skin irritation.	Wear full-length clothing, covering legs and arms, and gloves.
Carbon dioxide gas cylinders and generators.	First responders, subsequent entrants to premises, teams working in premises. Asphyxiation, cylinder rupture.	Limit entry to confined areas, until checked for presence of gas cylinders. Ensure cylinders are switched off and are secure (ie, not going to fall over and fracture).
Working in confined spaces or warm environments in PPE.	Teams working inside premises. Dehydration.	Regular breaks and intake of fluid.
Chemicals used to maintain system at the required PH (acidity/alkalinity). Leaks or spillage of liquids.	Teams working inside premises. Corrosive chemicals. Slips and falls.	Maintain containers upright and ensure lids are secure before transporting. Use nitrile gloves and eye protection. Seek expert (hazChem) advice if necessary.

APPENDIX 9

PROACTIVE

PARTNERSHIP WORKING

PROACTIVE PARTNERSHIP WORKING

This appendix provides some examples of ways in which police can work proactively with partnership agencies to prevent cannabis cultivation.

- Landlords – information leaflets can be sent to landlords and, where applicable, included within landlord registration packs that are issued by local authorities. Information can be sent to existing landlords highlighting good practice in the management of rented properties and potential tenants.
- Commercial and residential letting agents – information on how landlords can protect their properties can be displayed on letting agents' websites.
- Local authorities – can be provided with leaflets. Information can be displayed on their internet websites, and in local community magazines and newspapers. Information leaflets can be displayed in public buildings including community centres and libraries.
- Community police officers can provide information at community meetings and neighbourhood watch meetings to give members useful information on how they can assist in the prevention and detection of cannabis cultivation. Community safety should be highlighted, detailing the potential fire risk that cultivation can pose.
- DIY retailers – information bulletins can be given to the DIY industry and distributed to employees. Training may also be provided if appropriate. This may include advising employees of the items commonly bought for cannabis cultivation, and methods of payment that have been used. Employees can be asked to complete an activity report regarding suspicious behaviour, including bulk buying of items.
- Articles in retail magazines can raise awareness of the problem and how retailers could assist.
- Articles in farming and crofting community magazines can be used to make farmers aware that criminals may target farmers in financial difficulty. HM Revenue and Customs (HMRC) may be asked to be extra vigilant when carrying out searches of farms, to ensure that no outbuildings are being used for cultivations.
- Crimestoppers – anyone phoning Crimestoppers with information regarding drugs can be asked whether they have any information about persons growing cannabis.
- Energy suppliers may have specialist equipment to identify cultivations. Dedicated engineers can assist police to make premises safe. These engineers could then attend court as witnesses to ensure consistency of evidence. They can also confirm any similarities in methods of cultivation. Information can be provided to the energy company should they wish to recover revenue through civil litigation.

