

Marijuana Grow Houses: Florida's Silently Growing Epidemic

Clarence Dale Ritchhart, Jr.

Abstract

This research project is to show that Marijuana Grow Houses are and have been another trend in the drug culture and to show what an impact that they have on law enforcement agencies and their respective communities. The importance of this research is to demonstrate how they affect law enforcement agencies budgets and our local infrastructure. Survey's were sent to sixty-six (66) Sheriff's Offices in Florida to determine if marijuana grow houses were having the same economic impact on agencies in different areas of the state. Also, to gather information to be shared between agencies effected by this issue, for future proactive investigations into marijuana grow houses and the individuals or groups responsible for their existence.

Introduction

According to The Drug Enforcement Administration (DEA), at least 40 of the 67 counties in the State of Florida have been exposed to a marijuana grow house operations. (Cowart, 2008). I chose this subject due to the impact that marijuana grow houses have on our State, our Communities, our agency, and other law enforcement agencies around the state. The issues of marijuana grow houses and the problems that they breed do not seem to be receding. The importance of my research is to demonstrate how marijuana grow houses affect law enforcement agencies budgets, and communities local infrastructures.

Literature Review

History

The Florida Domestic Marijuana Eradication program has been operational for over 20 years. This program is the combined effort of the Florida Department of Law Enforcement (FDLE), the Drug Enforcement Administration (DEA), the Florida Department of Agricultural Law Enforcement, and the Florida National Guard. This program has resulted in the detection of over 24,000 grow sites and the eradication of over 2 million marijuana plants. The value of these plants is in excess of \$2.9 billion. The number of Florida cultivators arrested due to the efforts of this program are over 9,100. (*Domestic Marijuana Eradication Indoor Grow Report, 2008*). Until 2001, law enforcement agents gathered evidence about grow houses by using what are called thermal imaging devices. These devices were used by law enforcement to scan

buildings in order to determine if heat emanations coming from the buildings were consistent with high intensity lamps often used by marijuana growers. (Justice Florida, 2008).

Safety

One burden that marijuana grow houses imposes on the community is safety. Others are the safety to law enforcement officers. Long term affects of exposure by law enforcement officers to indoor marijuana grows has yet to be determined. The theft of power from the power companies, where power was diverted, has caused transformers to explode, causing fires as well as the possibility of electrocution. The noxious and possibly poisonous fumes from mold and chemicals also pose a threat. (Myers, 2006). It also breeds crimes in neighborhoods, which otherwise might not be there. "Grow houses have become a very real threat to the safety and security of too many Florida communities," says Florida State Representative Nick Thompson. (Coward, C, 2008). Investigators tell WINK News one other person was taken into custody, but her name is not being released because she may be tied to an even larger criminal investigation involving human smuggling. Investigators will tell us this fact, from Cuba to grow house, she was here within five days. "What we have seen historically in Lehigh Acres, the harder we hit the drug trafficking, the marijuana cultivation, the lower our violent crime goes by way of robbery, home invasion, murder...so it's all inter-related," said Captain Dominick Ferrante. (Winknews.com, 2008). Law Enforcement agencies in Florida have reported the seizure of 188 firearms in 2007. (Domestic Marijuana Eradication Indoor Grow Report, 2008). Drug related homicides that occur spontaneously are considered interpersonal drug disputes. They usually occur without any premeditation. These murders take place during drug-related disputes and interpersonal violence scenarios among and between persons who are under the influence of drugs and or are involved in illicit drug activity. (Geberth, 1996).

Manpower and Storage Issues

Another burden to the law enforcement community is the hike in crime rates and the problem of storing evidence gathered from the grow site. Most agencies have had to rent trailers, storage facilities, etc. which, of course, was not originally budgeted for. Manpower issues for investigating these grow houses adds to the problem. Our correction and judicial systems are also affected by this problem. For the fiscal year, October 1st, 2006, to September 30th, 2007, Cape Coral Florida Police Department requested an additional 40 officers although not solely for the purpose of cracking down on marijuana grow houses. (Myers, 2006). Prior to the new law taking affect governing evidence collected from marijuana grow houses, agencies were required to remove all components of equipment, known as paraphernalia, used to construct the grow operation. As of July 1, 2008, the amended law governing marijuana grow operations allows law enforcement agencies to destroy this equipment (paraphernalia) on site and be left for disrepair. The law enforcement agency is immune from civil liability for the destruction of the equipment. The destruction of the equipment must be video recorded for evidentiary purposes. (Florida State Statutes, 2008).

Effects of Marijuana

Marijuana (*Cannabis Sativa*) is the most commonly abused illicit drug in the United States. It is a dry, shredded, green leafy substance, with a mix of seeds and stems. It is commonly smoked in pipes, bongs, and cigarettes, and blended with cigars known as blunts. It can be mixed with food or brewed as a tea. A more concentrated form of marijuana is called Hashish and is a sticky, black, liquid oil. The main active chemical in marijuana is THC (delta-9-tetrahydrocannabinol), which is the psychoactive ingredient. Marijuana is a schedule 1 drug under the Controlled Substances Act (CSA). Schedule 1 drugs are classified as having a high potential for abuse. (DEA, 2006). Marijuana potency increased last year to the highest level in more than 30 years, posing greater health risks to people who may view the drug as harmless, according to a report released Thursday by the White House. "The increases in marijuana potency are of concern since they increase the likelihood of acute toxicity, including mental impairment," said Dr. Nora Volkow, director of the National Institute on Drug Abuse, which funded the University of Mississippi study. "Particularly worrisome is the possibility that the more potent THC might be more effective at triggering the changes in the brain that can lead to addiction," Volkow said. (Yen, H, 2008).

Covert Grow House Techniques

Marijuana grow house drug traffickers will go to extreme measures to disguise indoor residential marijuana grow operations. One method was recently discovered by deputies in Marion County Florida. The marijuana grow operation was hidden underground. Responding to an anonymous tip, deputies discovered a trap door inside a shed on 61 year old Michael Klopp's property. Upon further investigation the deputies discovered 90 marijuana plants worth an estimated street value of \$100,000 dollars. (WFTV.com, 2008). Another innovative location for an indoor marijuana grow operation was discovered at the Mall of Americas in Miami, Florida. At least 200 marijuana plants were located in a store room on the second floor of the mall. Unknown subjects responsible for the grow operation had been using power from the mall as the source of electricity to supply their covert operation. (WFTV.com, 2008). Other warning signs to look for in your neighborhood might be residents rarely appear to be at home, visitors behaving strangely and visiting at odd hours. Entry to the suspected residence might be through the garage or side/back entrance to conceal activities. Windows are boarded up or covered, preventing light from entering the residence and also concealing activities. Equipment, such as large fans, lights and plastic plant containers are carried into the residence. A strange, skunk-like odor is very noticeable coming from the residence. The exterior of the residence and property may appear untidy. Warning signs such as "Beware of Dog" are posted in the windows or around the exterior of the residence. (Myers, 2006).

Law: Before and After

Until 2001, law enforcement agents gathered evidence about grow houses by using what are called thermal imaging devices. These devices were used by law

enforcement to scan buildings in order to determine if heat emanations coming from the buildings were consistent with high intensity lamps often used by marijuana growers. However, in 2001 in the case of *Kyllo v. United States* the United States Supreme Court ruled that when the Government uses a device (such as a thermal imaging device) that is not in general public use to explore details of a private home that would previously have been unknowable without physical intrusion, the surveillance is a Fourth Amendment search and is presumptively unreasonable without a warrant. Because of the decision reached in *Kyllo*, law enforcement agents may no longer use thermal imaging devices when investigating possible grow houses. (Justice Florida, 2008). After a knock and announce at a Miami, Florida residence was conducted by federal agents of the Drug Enforcement Agency, a search warrant was executed. During the search of the residence, agents located over 200 marijuana plants. A subject connected to this marijuana grow operation was subsequently arrested and charged with a third degree felony. Florida State Representative Nick Thompson has proposed a new bill making the cultivation of marijuana, involving more than 25 plants, a felony of the second degree, which means mandatory jail time. (ABC Actionnews.com, 2008). The Florida State Statute governing the cultivation of marijuana called for a lesser charge prior to July 1st, 2008. The charge for cultivating and being in possession of or growing more than 25 marijuana plants was only a third degree felony. Florida State Statutes, 2008). The Marijuana Grow House Eradication Act was recently signed into law by Florida Governor Charlie Christ, and will take effect July 1st, 2008. This new law was sponsored by State Senator Oelrich of Gainesville, Florida and State Representative Nick Thompson of Fort Myers, Florida. The bill was originally developed due to the increasing number of marijuana grow houses discovered by law enforcement agencies in the State of Florida. (Coward, 2008). On July 1st, 2008, Florida State Statute §893.1351 was signed by Governor Charlie Christ and amended the statute making it a second degree felony to possess or cultivate more than 25 marijuana plants. Other Florida State Statutes amended Statute §893.1352 that makes it a first degree felony to be in constructive possession of a place to manufacture a controlled substance with a minor present or who resides in the residence. (Infant or toddler, meaning from birth to the child's third birthday). (Florida State Statutes, 2008).

Legalization advocates contend that our present anti-drug response can be compared to the nation's disastrous efforts to prohibit the sale of alcohol. It is believed that we are moving down the same path with the same results. Some advocates of drug legalization believe that violence, corruption and drug-related crimes would diminish. They also believe that under government regulation, distribution, purity and potency of drugs could be controlled and taxed. (Albanese & Pursley, 1993).

In February of 2002 President Bush set a goal of cutting drug abuse by 25% in five years through greater efforts toward prevention, treatment of addicts and improved law enforcement. Suggested approaches to address the drug problem include crime control, punishment, rehabilitation, prevention and legalization. These particular approaches should support the five goals of the National Drug Control Strategy; (1) to educate and enable America's youths to reject illegal drugs as well as alcohol and tobacco, (2) to increase the safety of America's citizens by substantially reducing drug-related crime and violence, (3) to reduce health and social costs to the public of illegal drug use, (4) to shield America's air, land and sea frontiers from the drug threat and (5)

to break foreign and domestic drug sources of supply. (Bennett & Hess, 2004).

Methods

The purpose of this research is to attempt to determine the effect that marijuana grow houses has had on law enforcement agencies and their communities in the State of Florida. The data was obtained through surveys conducted with sixty-six (66) Sheriff's offices located in the State of Florida. A letter, along with a survey instrument, was sent to these agencies requesting their participation in this project. Charlotte County's approximated population is one hundred and sixty thousand. Our agency employs approximately 650 personnel, which is civilian and law enforcement combined. The sample questions were proposed to sixty-six (66) Sheriff's Offices and their respective narcotics units. The survey instrument utilized a Lykert Scale for capturing data and measuring the responses as. Strongly Agree, Agree, No Opinion, Disagree, and Strongly Disagree.

Results

The following is the statistical information retrieved from the surveys sent to the sixty-six Sheriff's Offices in the State of Florida. Thirty-six (36) of the sixty-six (66) surveys that I sent out to these agencies were sent back giving me a 54.5% return and all of the survey's that were returned were 100% complete. The following information is the percentage of responses to the 25 individual questions that were contained in my survey. See Appendix A for cover letter sent with the survey. See Appendix B for the individual survey questions. The results of the returns were rounded to either the lower or higher whole number.

- Q1. Marijuana grow houses have increased in your jurisdiction since 2001.
A1. 61 % strongly agree and 39% agree.

- Q2. Marijuana grow houses have decreased in your jurisdiction since 2007.
A2. 11% agree, 9% had no opinion, 47% disagree, and 33% strongly disagree.

- Q3. Successful prosecution rate for defendants of marijuana grow houses in your jurisdiction has increased.
A3. 3% strongly agree, 64% agree, 16% had no opinion, 11% disagree, and 6% strongly disagree.

- Q4. Successful prosecution rate for defendants of marijuana grow houses in your jurisdiction have decreased.
A4. 6% strongly agree, 11% agree, 13% had no opinion, 64% disagree, and 6% strongly disagree.

- Q5. Power diversion to marijuana grow houses in your jurisdiction are mostly above ground.
A5. 11% strongly agree, 42% agree, 8% had no opinion, 33% disagree, and 6% strongly disagree.
- Q6. Power diversion to marijuana grow houses in your jurisdiction are mostly underground.
A6. 6% strongly agree, 36% agree, 11% had no opinion, 39% disagree, and 8% strongly disagree.
- Q7. Marijuana grow houses in your jurisdiction have affected your agency manpower issues.
A7. 28% strongly agree, 31% agree, 3% had no opinion, and 39% disagree.
- Q8. Marijuana grow houses in your jurisdiction have not affected your agency manpower.
A8. 44% agree, 34% disagree, and 22% strongly disagree.
- Q9. Knock and talks of marijuana grow houses in your jurisdiction have been most successful.
A9. 19% strongly agree, 42% agree, 3% had no opinion, and 36% disagree.
- Q10. Search Warrants of marijuana grow houses in your jurisdiction have been most successful.
A10. 37% strongly agree, 47% agree, 8% had no opinion and 8% disagree.
- Q11. Marijuana grow houses in your jurisdiction pose a safety issue to your community.
A11. 36% strongly agree, 53% agree, 8% had no opinion and 3% disagree.
- Q12. Marijuana grow houses in your jurisdiction pose a safety issue to your officers.
A12. 44% strongly agree, 50% agree, and 6% had no opinion.
- Q13. Most common ethnicity of marijuana grow house occupants/defendants located in your jurisdiction are Cuban.
A13. 47% strongly agree, 25% agree, 3% had no opinion, 14% disagree, and 11% strongly disagree.
- Q14. There is a commonality between grow houses you have located in your jurisdiction.
A14. 33% strongly agree, 33% agree, 17% had no opinion and 17% disagree.
- Q15. The number of marijuana plants found in known marijuana grow houses in your jurisdiction have been between 25 and 100.
A15. 22% strongly agree, 44% agree, 3% had no opinion, and 31% disagree.

- Q16. The number of marijuana plants found in known marijuana grow houses in your jurisdiction have been between 100 and 300.
A16. 11% strongly agree, 42% agree, 3% had no opinion, 39% disagree and 5% strongly disagree.
- Q17. Marijuana grow houses tremendously effected your agencies evidence section prior to the July 1, 2008.
A17. 72% strongly agree, 22% agree and 6% had no opinion.
- Q18. The new law which took effect July 1, 2008, governing evidence from marijuana grow houses, has eased the strain on your agencies evidence section.
A18. 39% strongly agree, 42% agree, and 19% had no opinion.
- Q19. Marijuana grow houses in your jurisdiction have severely affected your agencies budget.
A19. 6% strongly agree, 22% agree, 30% had no opinion and 42% disagree.
- Q20. Marijuana grow houses in your jurisdiction has increased the overall crime rate.
A20. 8% strongly agree, 25% agree, 36% had no opinion, and 31% disagree.
- Q21. You are unable to locate criminal histories on subjects located at marijuana grow houses in your jurisdiction.
A21. 3% strongly agree, 42% agree, 19% had no opinion, 33% disagree, and 3% strongly disagree.
- Q22. Your agencies' SWAT Team is responsible for the service and execution of your marijuana grow house search warrants.
A22. 11% strongly agree, 17% agree, 8% had no opinion, 50% disagree, and 14% strongly disagree.
- Q23. Your agencies Narcotics Unit members are responsible for the service and execution of your marijuana grow house search warrants.
A23. 36% strongly agree, 53% agree, 8% disagree, and 3% strongly disagree.
- Q24. Weapons are being located more frequently in marijuana grow houses in your jurisdiction since 2001.
A24. 19% strongly agree, 23% agree, 19% had no opinion, and 39% disagree.
- Q25. Your agency has a long term plan to combat marijuana grow houses.
A25. 17% strongly agree, 44% agree, 17% had no opinion, 19% disagree, and 3% strongly disagree.

Discussion

The outcome of the survey proved that we are all faced with the same issue of the increase of marijuana grow houses in our communities and the impact it has on our respective agencies, taxpayers and the community as a whole. What needs to be remembered is that the surveys were filled out by individuals of their respective agencies and the results were based on their individual opinions. These opinions could also have been based on their respective agency policies. The information gathered from this survey is more an overview of how law enforcement agencies handle marijuana grow house investigations. This survey was not intended to direct agencies in how to conduct their investigations, but to share information on how they are attacking this problem. According to the results of the survey, 61% of the agencies polled strongly agreed that marijuana grow houses have increased in their jurisdiction since 2001. The technique known as Knock and talks conducted on marijuana grow houses in the jurisdictions of those agencies polled were for the most part successful, with 19% strongly agreeing, 42% agreeing, 3% had no opinion, and 36% disagreed. Surprisingly were the results of marijuana grow houses affecting agency budgets. Only 6% strongly agreed, 22% agreed, 30% had no opinion and 42% disagreed. From firsthand experience the marijuana grow houses affected our agencies budget tremendously with overtime, unbudgeted storage and transportation needs. Seventy-two percent of agencies polled strongly agreed that marijuana grow houses tremendously effected their agencies evidence section prior to the July 1, 2008. Forty-four percent (44%) of agencies agreed that they have a long term plan in place to combat marijuana grow houses discovered within their jurisdiction in the future. Astoundingly enough, agencies polled regarding increased overall crime rate due to marijuana grow houses in their jurisdiction were even across the board, with 8% strongly agreeing, 25% agreeing, 36% had no opinion, and 31% disagreed.

Recommendation

My recommendation is that all agencies need to keep up with current trends to combat this issue. We need to be pro-active in our investigations to locate marijuana grow houses and attempt to identify those responsible for constructing them. Through identification we need to work with the local state attorney's office to assure that the individuals responsible for these grow houses are prosecuted to the fullest extent of the law. Officers investigating this crime need to take extra steps to be thorough in their investigations to assure successful identification and prosecution of the suspects. One of the most important recommendations that I could make is for agencies to share information. The lines of communication between narcotics investigators and the information pertaining to their cases needs to be shared. Information uncovered during an investigation needs to also be stored for future investigations that may have ties to each other in their respective communities. What we need to remember, is that we are all dealing with a highly sophisticated criminal organization and not low level street crime individuals.

Lieutenant C. Dale Ritchhart has worked at the Charlotte County Sheriff's Office since 1983 and has one year prior experience with another agency. Dale has worked in several areas to include the traffic unit as a motorcycle deputy, as a detective in property crimes, crimes against person, crimes against children, Intelligence Unit and Narcotics Unit. Dale has also been assigned to the Drug Enforcement Administration as a Task Force Agent, has been a SWAT team member for 18 consecutive years and a member of the honor guard. Dale's current assignment is a district road patrol commander. Dale is pursuing an Associates Degree from Edition State College.

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Appendix A

To whom it may concern,

My name is Dale Ritchhart and I am a Lieutenant in charge of the Narcotics Unit for the Charlotte County Sheriff's Office. I am currently enrolled in a Senior Leadership Program sponsored by FDLE. As part of the course I am required to complete an individual project. Part of my project, Marijuana Grow Houses, is to collect information by means of a survey. I know you are all very busy, but I would really appreciate your assistance in gathering the necessary information that I need to complete my project. Attached you will find a survey pertaining to Marijuana Grow Houses. If you would forward this survey to your Narcotics Unit commander for him/her to complete and return, I would be very grateful. I am attempting to have all survey's returned to me no later than December 17th, 2008.

Again, thanking you in advance for your cooperation in this matter,

Lieutenant Dale Ritchhart

Charlotte County Sheriff's Office

Narcotics Unit

(941)575-2157 office

(941)268-7590 cell

ritch@ccso.org

Appendix B

Name:
Rank:
Telephone:

Agency:
Unit/Division:
Date:

Please complete the following survey by placing an X in the appropriate box

1. Marijuana grow houses have increased in your jurisdiction since 2001.

Strongly Agree Agree No Opinion Disagree
Strongly Disagree

2. Marijuana grow houses have decreased in your jurisdiction since 2007.

Strongly Agree Agree No Opinion Disagree
Strongly Disagree

3. Successful prosecution rate for defendants of marijuana grow houses in your jurisdiction has increased.

Strongly Agree Agree No Opinion Disagree
Strongly Disagree

4. Successful prosecution rate for defendants of marijuana grow houses in your jurisdiction has decreased.

Strongly Agree Agree No Opinion Disagree
Strongly Disagree

5. Power diversion to marijuana grow houses in your jurisdiction are mostly above ground.

Strongly Agree Agree No Opinion Disagree
Strongly Disagree

6. Power diversion to marijuana grow houses in your jurisdiction are mostly underground.

Strongly Agree Agree No Opinion Disagree
Strongly Disagree

7. Marijuana grow houses in your jurisdiction have affected your agency manpower issues.

Strongly Agree Agree No Opinion Disagree
Strongly Disagree

8. Marijuana grow houses in your jurisdiction have not affected your agency manpower.

Strongly Agree Agree No Opinion Disagree
Strongly Disagree

9. Knock and talks of marijuana grow houses in your jurisdiction have been most successful.

Strongly Agree Agree No Opinion Disagree
Strongly Disagree

10. Search Warrants of marijuana grow houses in your jurisdiction have been most successful.

Strongly Agree Agree No Opinion Disagree
Strongly Disagree

11. Marijuana grow houses in your jurisdiction pose a safety issue to your community.

Strongly Agree Agree No Opinion Disagree
Strongly Disagree

12. Marijuana grow houses in your jurisdiction pose a safety issue to your officers.

Strongly Agree Agree No Opinion Disagree
Strongly Disagree

13. Most common ethnicity of marijuana grow house occupants/defendants located in your jurisdiction are Cuban.

Strongly Agree Agree No Opinion Disagree
Strongly Disagree

- 14. There is a commonality between grow houses you have located in your jurisdiction.**
 Strongly Agree Agree No Opinion Disagree
 Strongly Disagree
- 15. The number of marijuana plants found in known marijuana grow houses in your jurisdiction have been between 25 and 100.**
 Strongly Agree Agree No Opinion Disagree
 Strongly Disagree
- 16. The number of marijuana plants found in known marijuana grow houses in your jurisdiction have been between 100 and 300.**
 Strongly Agree Agree No Opinion Disagree
 Strongly Disagree
- 17. Marijuana grow houses tremendously effected your agencies evidence section prior to the July 1, 2008.**
 Strongly Agree Agree No Opinion Disagree
 Strongly Disagree
- 18. The new law which took effect July 1, 2008, governing evidence from marijuana grow houses, has eased the strain on your agencies evidence section.**
 Strongly Agree Agree No Opinion Disagree
 Strongly Disagree
- 19. Marijuana grow houses in your jurisdiction have severely affected your agencies budget.**
 Strongly Agree Agree No Opinion Disagree
 Strongly Disagree
- 20. Marijuana grow houses in your jurisdiction has increased the overall crime rate.**
 Strongly Agree Agree No Opinion Disagree
 Strongly Disagree

21. You are unable to locate criminal histories on subjects located at marijuana grow houses in your jurisdiction.

Strongly Agree Agree No Opinion Disagree
Strongly Disagree

22. Your agencies SWAT Team is responsible for the service and execution of your your marijuana grow house search warrants.

Strongly Agree Agree No Opinion Disagree
Strongly Disagree

23. Your agencies Narcotics Unit members are responsible for the service and execution of your marijuana grow house search warrants.

Strongly Agree Agree No Opinion Disagree
Strongly Disagree

24. Weapons are being located more frequently in marijuana grow houses in your jurisdiction since 2001.

Strongly Agree Agree No Opinion Disagree
Strongly Disagree

25. Your agency has a long term plan to combat marijuana grow houses.

Strongly Agree Agree No Opinion Disagree
Strongly Disagree

FDLE Senior Leadership Program

Created by Lt. Dale Ritchhart

Charlotte County Sheriff's Office Narcotics Unit

Phone: (941)-575-2157