

# SURREY POLICE

## DELEGATED AUTHORITY LICENSING ACT 2003

I, the Chief Constable of Surrey Police, hereby authorise and Delegate powers conferred upon me by:

**Licensing Act 2003 ("the Act")**

With regard to the following functions and responsibilities under The aforementioned Act:

**Grant of premises licence, provisional statements, variation Of licences, transfer of premises licence, review of premises Licence, and relevant club premises certificate equivalent (under Parts 3 and 4 of the Act); temporary permitted Activities (under Part 5 of the Act); grant and renewal of Personal licences (under Part 6 of the Act)**

To: Inspector 2099 Maxine Cilia

This delegation shall remain forever in force until revoked by the Chief Constable of Surrey Police.

Signed:

Date: 09/01/2020

**Gavin Stephens**  
**Chief Constable**



**WITNESS STATEMENT**

(Criminal Procedure Rules, r 16.2; Criminal Justice Act 1967, s.9)

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Statement of: **Emma Gower**

Age if under 18: **Over 18** (if over 18 insert 'over 18') Occupation: **Drugs Expert Witness & Drug Liaison Officer**

This statement (consisting of 9 page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it, anything which I know to be false, or do not believe to be true.

Signature: \_\_\_\_\_

Date **01/03/2022**

Tick if witness evidence is visually recorded  (supply witness details on rear)

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**Declaration**

In view of my expertise and knowledge of drug related issues I have been requested to provide a statement. I confirm that I have read guidance contained in a booklet known as Disclosure: Expert's Evidence and Unused Material which details my role and documents my responsibilities, in relation to revelation as an expert witness. I have followed the guidance and recognise the continuing nature of my responsibilities of revelation. In accordance with my duties of revelation as documented in the guidance booklet, I;

- a. Confirm that I have complied with my duties to record, retain and reveal material in accordance with the Criminal Procedure and Investigations Act 1996, as amended;
- b. That in the event that my opinion changes on any material issue, I will inform the investigating officer, as soon as reasonably practicable and give reasons.

As an Expert Witness I am aware that:

- It is my duty to help the court to achieve the overriding objective by giving objective, unbiased opinion on matters within my expertise.

Signature: \_\_\_\_\_

Signature Witnessed by: \_\_\_\_\_

Continuation of Statement of : Emma Gower

- That this duty overrides any obligation to the person from whom I receive instructions or by whom I am paid.

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### Professional Experience

I am CE 11339 Emma Gower of Surrey Police where I have been employed for 16 years.

I have a Bachelor of Science Honours (BSc Hons) degree in Criminology and Criminal Justice from the University of Portsmouth (2004).

My involvement in the Drugs Field commenced in 2006 when I became the Drugs Intelligence Analyst for North Surrey. This role involved me analysing all the drugs intelligence received by our department and using this to create in depth profiles of the drugs markets in our Boroughs. I was also responsible for initiating numerous intelligence led drugs operations.

In 2007 I became involved in a Divisional Test Purchase Operation tackling Class A Drug Supply in Spelthorne as the Intelligence Analyst for the operation. My role in this operation involved me providing constant guidance based on intelligence received and the day's activities as to where the operation should be going and who we were intercepting at various stages. This operation was the largest of its kind run in Surrey at the time and resulted in numerous arrests and charges for conspiracy to supply controlled drugs. I received a Divisional Commendation for my role in this operation.

I remained working in the intelligence unit for the next 2 years and I established myself as the intelligence lead for drugs in North Surrey. In this time I ran the intelligence analysis for another Test Purchase operation which was on a larger scale than Operation Arboreal in 2007. Operation Wentwood ran from 2008 through to 2009 for over 6 months and again targeted Class A Drug Supply in Spelthorne and the surrounding areas, tackling not only local offenders but also cross border offenders from the Metropolitan Police Force areas. Again I had to provide constantly updated profiles of the current drugs markets taking in to account differing trends and intelligence and provide guidance on the direction of the operation. Operation Wentwood resulted in the arrests of over 30 persons and eventuated in over 28 charges. I received my second Divisional Commendation for my involvement in this operation.

In 2010 I transferred from the Intelligence Unit to become the Divisional Drugs Liaison Officer for North Surrey. This role constantly updates my knowledge of the drugs field through my daily activities.

In March 2010 I attended the Kent Police Drugs Expert Witness Course. As part of this course I spent a day at the Home Office approved Cannabis Farm for the UK where I received wisdom from Dr David Potter on how cannabis is cultivated, the varying strains of cannabis, yield estimation and pricing. I

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Continuation of Statement of : **Emma Gower**

personally witnessed cannabis plants in various growth stages from germination through to full maturity, as well as witnessing the harvested plant being dried and resin being made.

In March 2012 I attended and assisted with a Surrey Police Expert Witness Course, and have been instrumental in establishing the Surrey Police Drugs Evaluation Association, which manages the Expert Witnesses trained by Surrey Police, of which I am a committee member.

I am trained in drug identification and recognition, being able to identify cannabis and being able to test and identify Cannabis, Cocaine, Ecstasy, Ketamine, Mephedrone, Amphetamines and Opiates. I became accredited in Evidential Drug Identification Testing (EDIT) using Home Office approved kits (BDH, MMC, NIK, Cozart and D-Tec) and methods in January 2011 having received further training from LGC Forensics. I now also provide training for others in the use of such techniques and am responsible for the management and regulation of the EDIT tests in Northern Surrey.

In May and June 2014 I received training in the use of the Bruker Alpha 1 I-R Machine and in the use of the TruNarc Raman Spectrometry machine, in order to analyse substances under EDIT and to create an analysis of NPS database for Surrey.

In October 2012 I received further training from LGC Forensics on the identification of Cannabis Plants. In September 2017 I received further training from LGC Forensics on the identification of Cannabis, the conversion of drug forms from Salt to Base and Base to Salt and on forensic issues.

In November 2017 I developed the Surrey Police Drug Testing and Identification for Remands training package and presented this to a number of police officers, providing them with accreditations in order to identify substances and corroborate identifications in line with the Scientific Working Group for Drugs (SWGDRUG) recommendations using multiple Home Office approved devices.

I am also an accredited Ion Track operator and frequently use the machines in order to identify locations where drugs have been present. In December 2014 I became an accredited in the use of the Itemiser I3e Machines for POCA (Proceeds of Crime Act) swabbing of cash money for confiscation hearings.

In addition to holding the records for every 'Personal Possession amount' EDIT test performed in Surrey, I also hold detailed records on the results of every Forensic Science Laboratory drug analysis statement received for drug seizures in Surrey and I complete the annual force drug data returns for the Home Office. This provides me with an indepth and up to date knowledge of current purities and trends for the local area.

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Continuation of Statement of : **Emma Gower**

I maintain my knowledge of the drugs market on the Division through intelligence submissions and this also provides me with current up to date knowledge of the street prices for controlled drugs in North Surrey.

I keep abreast of Force and Nationwide trends and prices through bulletins, literature and conferences. I also keep myself up to date by using various websites including Drug Scope, Blue Light and Erowid along with various Dark Net marketplaces and sites which I frequently trawl for intelligence purposes. This increases my understanding of the effects of drugs on users and those around them and how legislation and policing affects them not only in terms of arrests and charges but also in terms of lifestyle impact and rehabilitation.

I am a member of the Drugs Advisory Group (DAG) which also expands my knowledge of National trends through frequent email updates.

I am a member of the Drug Expert Witness Valuation Association, a national body of Police Officers, SOCA and Forensic Science drug expert witnesses. I attend regular conferences held by this group and members are in regular contact discussing all issues with regards to drugs and expert witness work.

I am involved in educating and training police officers, members of the public and various outside professionals on the current drugs markets, drug effects and appearances as well as trends and prices including training on drug seizures and policies. I am called upon to offer advice and assistance on knowledge, enforcement and harm reduction with regards to drug use and supply.

My knowledge of prescription drugs comes through my involvement with NHS England, The General Pharmaceutical Council and DEFRA and my participation in Controlled Drug Disposals and inspections at pharmacies and dispensaries ranging from local chemists through to hospitals and veterinary surgeries.

I work alongside Public Health and partner agencies including Treatment Services to try to identify and reduce the risk of drug related harm and deaths in Surrey.

I have prepared statements for the courts on many occasions regarding the identification of drugs, valuations of seizures, the relevance of paraphernalia, documentation including 'tic lists' and the interpretation of mobile phone messages.

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Continuation of Statement of : **Emma Gower****Request**

I have been asked by Licensing Officer Jacquie Clark to provide a summary of Psychoactive Substances, focusing in particular on Nitrous Oxide, it's use and the dangers associated with it.

**Nitrous Oxide Summary**

The Psychoactive Substances Act (PSA) came into force on 26 May 2016. The focus of the PSA is on supply and distribution rather than use, hence there is no possession offence, other than in custodial institutions. However, the legislation does give the police powers to seize and retain these substances in any circumstances. The aim of this legislation is to stop the flow of psychoactive substances in the UK, reducing the harm caused by dangerous chemicals. It introduces a 'blanket ban' on the import, export, manufacture or sale of all psychoactive substances. The Act contains Criminal and Civil Sanctions. The Act gives powers to the Police and Local Authorities (Trading Standards) to take action against suppliers of psychoactive substances.

Since the turn of the century the UK has seen the emergence of new substances that are intended to mimic the effects of traditional drugs which are controlled under the Misuse of Drugs Act 1971. These were commonly referred to as 'Legal Highs' or New Psychoactive Substances (NPS). They were not regulated or subject to any formal testing re chemical content and their harms were not assessed. Thus they were considered not safe for use. Many were labelled as 'not for human consumption' or 'research chemical' but their intended consumption use was always clear. They presented a significant risk to public health comparable to that of traditional controlled drugs. They have also been linked to crime and disorder, health problems and in some cases deaths.

'Psychoactive substance' means any substance which is 'capable of producing a psychoactive effect in a person who consumes it, and is not an exempted substance.

Exempted substances include items such as food, alcohol, tobacco, medical products, caffeine and controlled drugs which are excluded from the definition and which are controlled / governed by their own licencing and legislation. A substance produces a psychoactive effect in a person if, by stimulating the person's central nervous system, it affects the person's mental functioning or emotional state. This legislation also makes it clear that there are a number of substances that will be covered by this act including Nitrous Oxide.

Nitrous oxide is a dissociative anaesthetic that has a number of industrial uses. When mixed 50/50 with air (known as gas and air) it is used in surgery for its mild anaesthetic and analgesic effects. It is used to help

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Continuation of Statement of : **Emma Gower**

relieve pain and anxiety for women giving birth and in dentistry. It is normally a colourless gas not visible to the eye. Nitrous oxide has emerged as one of the most commonly used Psychoactive substances or 'NPS'. It's 'street' names include 'NOS' or 'NOZ', 'whippets' or hippy crack. It is also commonly referred to simply as 'balloons' with the sellers being 'balloon selllers' due to the use of such items for the inhalation of the gas.

In order to produce its dissociative effects nitrous oxide is normally inhaled, usually by mouth. Medical grade nitrous oxide is supplied in various sized canisters. Within the catering trade nitrous oxide is sold in small silver cartridges for use with a 'whipper'. In the case of these 'whippets'; they have to be fitted into and released from a small canister into a whipped cream dispenser or a smaller gadget called a 'cracker'. This has a balloon/ bag fitted to the release valve so that when the lever is pressed the balloon fills with gas which can then be inhaled. Evidence of nitrous oxide inhalation can included discarded silver canisters and balloons.

Serious damage could be done to the lungs if the gas was inhaled directly from capsules or cylinders, it must always be inhaled from a balloon. Nitrous Oxide works very rapidly and reaches the brain within 20 seconds. The effects are almost instantaneous and can last from seconds up to a minute and a half. The effects subside as soon as the gas is no longer being inhaled.

Some of the effects of consuming this substance can be light-headedness, euphoria, relaxation and calmness, dizziness, hallucinations and laughter. Administration of Nitrous Oxide without oxygen can be very dangerous. Hypoxia can occur which may lead to loss of blood pressure, fainting and even heart attack. Prolonged exposure to nitrous oxide may also result in anaemia, bone marrow suppression and poisoning of the central nervous system. These risks are likely to be exacerbated if the exposure to the gas is combined with alcohol or narcotics. Binging can lead to Oxygen deprivation which in turn leads to loss of consciousness. As nitrous oxide suppresses the gagging reflex this can lead to choking, asphyxiation and death. Inhalation of nitrous oxide rapidly induces loss of motor control causing the user to fall over. Prolonged use of nitrous oxide causes significant loss of vitamin B12 causing brain and nerve damage. Nitrous oxide does not sustain life and using it in a confined space can result in asphyxiation.

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#### Disclaimer

I submit this statement based upon the information made available to me at the time of compilation. I reserve the right to add, alter or replace any explanation or opinion in the event of being informed of additional material, evidence or facts.

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