

County of Mendocino
Grand Jury
www.co.mendocino.ca.us/grandjury

Post Office Box 939
Ukiah, CA 95482
grandjury@co.mendocino.ca.us

**Grand Jury Report Transmittal
(with Instructions and Response Form for Required Respondents)**

Meredith Lintott
District Attorney
100 N. State Street
Ukiah, CA 95482

Date: May 12, 2010

RE: Report Titled: *Marijuana: It cost More Than You Think*

Dated: May 12, 2010

Your response to the attached report by the 2009/2010 Mendocino County Civil Grand Jury is required pursuant to Penal Code §933.05 (enclosed). Penal Code §933.05 also requires that your response to the Findings and Recommendations contained in the report be in writing and be submitted within **60 days for individual responses from elected county officers or agency head** or within **90 days for governing bodies** (including such entities as school boards, city councils and the Board of Supervisors).

Penal Code §933.05(f) specifically prohibits disclosure of the contents of this report by a public agency or its officers or governing body prior to the release to the public. The report will be released to the public and posted on the grand jury website two (2) or more days after the date of this letter.

The Penal Code is specific as to the format of responses. Complete and sign the enclosed Response Form and attach any additional comments as required.

Should you have any questions after reviewing the enclosures, please contact me at **grandjury@co.mendocino.ca.us** or at the address above.

Sincerely,

Katharine Wylie
Foreperson
Mendocino County Grand Jury

SUMMARY OF PENAL CODE 933.05

Penal Code § 933.05 provides for only two (2) acceptable responses with which agencies and/or departments (respondents) may respond with respect to the **findings** of a Grand Jury report :

1. The respondent agrees with the finding.
2. The respondent disagrees wholly or partially with the findings, *in which case the respondent shall specify the portion of the finding that is disputed and shall include an explanation of the reasons therefore.*

Penal Code § 933.05 provides for only four (4) acceptable responses with which agencies and/or departments (respondents) may respond with in respect to the **recommendations** of the Grand Jury.

1. The recommendation has been implemented, with a summary regarding the implemented action.
2. The recommendation has not yet been implemented, but will be in the future, with a timeframe for implementation.
3. The recommendation requires further analysis, with an explanation and the scope and parameters of an analysis, with a timeframe for the matter to be prepared for discussion by the officer or head of the agency/department being investigated or reviewed, including the governing body of the public agency when applicable. ***This timeframe shall not exceed six (6) months from the date of publication of the Grand Jury Report.***
4. The recommendation will not be implemented because it is not warranted or is not reasonable, with a detailed explanation therefore.

However, If a finding and/or recommendation of the Grand Jury addresses **budgetary** or **personnel** matters of a county agency/department head and the Board of Supervisors shall respond if requested by the Grand Jury, but the response of the Board of Supervisors shall address only those budgetary or personnel matters over which it has some decision making authority. The response of the elected agency or department head shall address **all** aspects of the findings or recommendations affecting his or her agency/department.

**Grand Jury Report
RESPONSE FORM**

RE: Report Titled: *Marijuana: It Cost More Than You Think*

Report Dated: May 12, 2010

Response Form Submitted By:

Meredith Lintott
District Attorney
100 N. State Street
Ukiah, CA 95482

Response MUST be submitted, per Penal Code §933.05, no later than: 7/12/2010

I have reviewed the report and submit my responses to the FINDINGS portion of the report as follows:

- I (we) agree with the Findings numbered:
1 - 11, 13 - 14
- I (we) disagree wholly or partially with the Findings numbered below, and have **attached, as required**, a statement specifying any portion of the Finding that are disputed with an explanation of the reasons therefore.
12

I have reviewed the report and submit my responses to the RECOMMENDATIONS portion of the report as follows:

- The following Recommendation(s) have have been implemented and **attached, as required**, is a summary describing the implemented actions:
2, 3
- The following Recommendation(s) have not yet been implemented, but will be implemented in the future, **attached, as required** is a time frame for implementation:

GRAND JURY REPORT
RESPONSE FORM
PAGE TWO

- The following Recommendation(s) require further analysis, and attached as required, is an explanation and the scope and parameters of the planned analysis, and a time frame for the matter to be prepared, discussed and approved by the officer and/or director of the agency or department being investigated or reviewed: (This time frame shall not exceed six (6) months from the date of publication of the Grand Jury Report)

4

- The following Recommendations will NOT be implemented because they are not warranted and/or are not deemed reasonable, attached, as required is an explanation therefore:

1, 5, 6

I have completed the above responses, and have attached, as required the following number of pages to this response form:

Number of Pages attached: _____

I understand that responses to Grand Jury Reports are public records. They will be posted on the Grand Jury website: www.co.mendocino.ca.us/grandjury. The clerk of the responding agency is required to maintain a copy of the response.

I understand that I must submit this signed response form and any attachments as follows:

First Step: E-mail (word documents or scanned pdf file format) to:

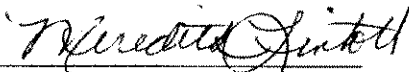
- The Grand Jury Foreperson at: grandjury@co.mendocino.ca.us
- The Presiding Judge: grandjury@mendocino.courts.ca.gov
- The County's Executive Office: ceo@co.mendocino.ca.us

Second Step: Mail all originals to:

Mendocino County Grand Jury
P.O. Box 939
Ukiah, CA 95482

Printed Name: Meredith J. Lintott

Title: District Attorney of Mendocino County

Signed: 

Date: 7/9/10

Grand Jury Report: Marijuana: It cost More Than You Think
District Attorney Response

Findings:

12. The Bureau of Land Management, (BLM), has used the California Conservation Corps to clean up illegal sites.

The District Attorney is personally unaware of the BLM's practice of using the CCC for clean up efforts. I have no reason to disagree with the Grand Jury's finding.

Recommendations:

1. MCSO, Department of Fish and Game, United States Forest Service, and BLM mount a coordinated and concentrated effort to prevent environmental and watershed damage early in the growing season by initiating environmental inspections and cleanup programs for know sites (Findings 3-11).

Response: The District Attorney is not listed as a "coordinating" agency and has no authority or control over the listed agencies. Consequently, the District Attorney cannot implement the Recommendation.

2. The Mendocino County District Attorney, (DA), support the efforts of law enforcement agencies by prosecuting those who cause damage to water resources and the environment. (Findings 1-5, 8)

Response: The District Attorney has hired a prosecutor specifically to pursue environmental crime. The District Attorney's Office prosecutes these cases.

3. The DA charge growers, found in control of illegal sites, with the cost of site cleanup. (Findings 3-7, 9)

Response: There is no criminal "charge" for clean up of illegal marijuana sites. A civil action to recover expenses associated with "remedial" action (i.e. clean up) may be brought by pursuant to Health & Safety Code § 11470.1. This action may be brought by the district attorney, county counsel, city attorney, the State Department of Health Services, or Attorney General. The funds received from a successful law suit would go to the law enforcement agency which incurred the expenses (i.e MCSO, or the local police department). The District Attorney cannot implement this recommendation due to lack of staffing. The first priority of the District Attorney's office is to bring criminal charges. County Counsel represents the Sheriff's Office and engages in the practice of civil law. It is suggested that County Counsel consider bringing these actions on behalf of the MCSO.

4. The appropriate law enforcement agency use asset forfeiture funds to institute a program to clean up illegal sites, remove toxins, open the natural water flow, and dispose of material used at the site; i.e. plastic pipe, water storage containers, and plastic sheeting. (Findings 3-7, 9)

Response: To my knowledge, there is no authority to use asset forfeiture funds for environmental clean-up projects. This recommendation would need to be researched and discussed with the law enforcement agencies receiving asset forfeiture funds.

5. Appropriate equipment and procedures be used to insure the safety of cleanup crews. (Findings 8, 11-12).

Response: The District Attorney cannot implement this recommendation because the District Attorney has no authority over the cleanup efforts.

6. It is the responsibility of citizens to perform due diligence and report suspected unauthorized taking of water and or creek degradation/pollution. (Findings 1-2, 13-14).

Response: While the District Attorney agrees that citizens should report suspected environmental crime, the District Attorney has no authority to require due diligence and reporting of crime, consequently, this recommendation cannot be implemented. The District Attorney can encourage citizens to report environmental crime.