

REQUIRED RESPONSES TO GRAND JURY INQUIRY

“GOING TO POT IN MENDOCINO COUNTY”

Finding No. 12: Illegal Marijuana gardens consume County resources:

A/B. I have no facts upon which to respond and either confirm or dispute these statements. (i.e. 25% in summer and 10% in winter). I am aware that law enforcement devotes a significant portion of its resources to detection and eradication of illegal grows/gardens during peak seasons but cannot state what percentage is devoted during harvest or grow periods, nor during winter months. (However the Sheriff's department has a devoted unit to address such problems, COMMET). Certainly those resources could be better used for other public safety measures.

C. I do not have any statistics upon which I could definitively respond and either confirm or dispute such assertion. However, I would find it very difficult to believe that this DA's office devotes almost half of its time to either the investigation or prosecution of such cases. Though the District Attorney likes to state in public that most of these cases are handled in court by private attorneys, that is not necessarily the case. It is true that in some of the larger cases a number of principal defendants are represented by private counsel. However, our office handles a good number of individuals who are trimmers, caretakers, etc. for gardens and cannot afford a private attorney. Yet the time devoted to such cases truly has been "seasonal" and tapers off substantially during many months of the year. I would dispute, based upon our caseload, that the 40% estimate is accurate.

D. CPS has been involved and has detained children when there have been drug busts. However, those typically occur when search warrants are served and residences have been searched and drugs, methamphetamine and marijuana, have been seized and children are present within the dwelling. The most significant example was when several search warrants were executed on different residences and 30 children were detained. That is not the usual situation. CPS more often becomes involved when the drug busts involve the manufacturing of methamphetamine or the sales of methamphetamine. Detention during the "typical" marijuana bust is not common, and children are not generally present on the larger illegal/commercial grows on public lands.

E. As for any generalization that those often busted for illegal marijuana operations are receiving aid or other social services, that doesn't appear to be the case. Very seldom have I seen

individuals charged with marijuana offenses receiving welfare aid, food stamps, or other such public social services.

F. It would appear to be accurate that in those gardens found in isolated rural areas of our county that the illegal operation results in significant wear and tear to county roads, as well as dirt roads maintained, and those not publicly maintained, due to heavy vehicle traffic and other activities involved in their operation.

G. I would concur that the large illegal/commercial grows operated by shady characters will often involve the use of dangerous chemicals, fertilizers, poisons etc. that not only cause damage to the soils, environment, water sources, etc., but can eventually be harmful to the consumer of their product. The cost of clean up from many illegal grows can be substantial, but again the greater cost comes from the clean up of meth labs which are so incredibly toxic and harmful to our lands and populace.

Grand Jury Finding #22: I would agree that there is an appearance of selective prosecution, settlement, or dismissal of marijuana cases in Mendocino County.

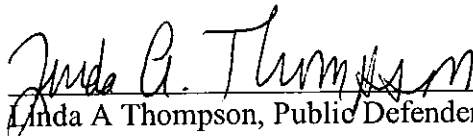
Grand Jury Finding #31: I would agree that there appears to be a disagreement not only between law enforcement and the legal community, but sometimes there is disagreement among the legal community, i.e. between the prosecution and the defense bar as to what is the correct and proper definition of a mature plant.

GRAND JURY RECOMMENDATIONS

Recommendation #5: I strongly agree that there should be uniform and equitable decisions as to the prosecution, resolution, or dismissal of marijuana cases.

Recommendation #6: I also agree that there should be intelligent and informed discussion and a decision making process to help define what constitutes a mature plant between the legal community in general and law enforcement agencies.

Respectfully submitted this 10th day of August, 2010. Executed this day in Ukiah, California by Linda A Thompson, Public Defender, Mendocino County, California.


Linda A Thompson, Public Defender