

# Grand Jury Report

## RESPONSE FORM

*Grand Jury Report Title :* GOING TO POT IN MENDOCINO COUNTY

*Report Dated :* June 3, 2010

---

***Response Form Submitted By:***

BOS  
c/o Executive Office  
Attn: Steve Dunicliff  
501 Low Gap Road  
Ukiah, CA 95482

***Response MUST be submitted, per Penal Code §933.05, no later than:***

September 1, 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:

\_\_\_\_\_

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.

**1-31 (See Attached)**

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

The following Recommendation(s) have been implemented and **attached, as required**, is a summary describing the implemented actions:

\_\_\_\_\_

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:

\_\_\_\_\_

- 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)

- 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:

**Recommendation No. 1 – 6 (See Attached)**

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

Number of Pages attached:     4    

*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](http://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](mailto:grandjury@co.mendocino.ca.us)
- The Presiding Judge: [grandjury@mendocino.courts.ca.gov](mailto:grandjury@mendocino.courts.ca.gov)
- The County's Executive Office: [ceo@co.mendocino.ca.us](mailto:ceo@co.mendocino.ca.us)

Second Step: Mail all originals to:

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

ATTEST:

Carmel J. Angelo, Clerk of the Board  
Mendocino County Board of Supervisors



DEPUTY

Printed Name:     CARRE BROWN    

Title:     Chair, Mendocino County Board of Supervisors    

Signed: 

Date:     

**AUG 3 1 2010**

**ATTACHMENT:**

**REPORT: GOING TO POT IN MENDOCINO COUNTY**

**FINDINGS:**

**Findings 1-31:** The Mendocino County Board of Supervisors has no specific information regarding these findings and therefore incorporates by reference herein, the responses to findings prepared by the Mendocino County Sheriff's Office and the Mendocino County District Attorney.

**RECOMMENDATIONS:**

**Recommendation No. 1,2,3,5,6:** The Mendocino County Board of Supervisors has no legal authority to implement this recommendation.

**Recommendation No. 4 (Finding 10):** The Mendocino County Board of Supervisors is faced with dramatically declining revenue streams that have created significant budgetary shortfalls. These shortfalls are impacting every aspect of service the County provides. Until the fiscal year 2010-2011 position allocation table is adopted as a component of the fiscal year 2010-2011 final budget, the Mendocino County Board of Supervisors is unable to make any commitments with regard to specific positions that may or may not be retained.

***Findings***

1. California State laws and local ordinances are numerous, inconsistent, and subject to interpretation. Contiguous counties have different possession limits. Several court decisions have changed or negated parts of marijuana laws.
2. One of three possible propositions or initiatives on the November, 2010, ballot will be AB 390. California's *Marijuana Control, Regulation and Education Act*, if passed will:
  - remove criminal penalties for personal marijuana possession and cultivation for adults over the age of 21. Adults can use marijuana at home; using marijuana in public would be a \$100 fine,
  - allows persons 21 or older to grow up to six mature plants. If a garden is outdoors, the plants cannot be visible to the public,
  - legalizes the possession and/or sales of marijuana paraphernalia for adults,
  - allows cultivation of industrial hemp,
  - ~~does not remove penalties for marijuana possession and/or sales on school grounds,~~
  - does not change existing laws protecting medical marijuana patients, nor does

- it impose additional taxes on marijuana obtained for medical purposes,
  - does not affect the rights of employers to drug test, terminate, or deny employment to individuals based on marijuana use,
  - institutes a regulatory system for commercial growers, processors, wholesalers, and retailers, to go into effect 30 days after a change in Federal law allowing states to set their own marijuana policies. A fee of \$50 per ounce of marijuana would be assessed on retailers, similar to alcohol stamp taxation.
3. In February 2010, a 10-year study from UCSD reports that marijuana is effective in relief of muscle spasms for patients, such as those with multiple sclerosis and other neurological conditions. The same pain reduction was achieved with low doses of psychoactive ingredients as with high doses.
  4. Patients requiring treatment with marijuana must obtain a doctor's recommendation. Clinics that receive Federal money cannot recommend marijuana.
  5. In 2009, the Mendocino County Sheriff's Office, (MCSO), initiated a "zip-tie" program that provides comfort for medical users by instituting a \$25 fee for each medically approved plant. The plants, with serial numbered zip-ties, are easily identified as medical by law enforcement officers.
  6. It is estimated that there were more than five million plants grown in Mendocino County in 2009.
  7. Law enforcement records show that 541,250 illegal plants were seized from 256 sites in 2009, including 15,709 indoor plants and 525,541 outdoor plants.
  8. In 2009, it was estimated that only 10% of illegal plants were seized in the County.
  9. In 2009, other drugs found were, methamphetamine, hashish, LSD, oxycodone, and hallucinogenic mushrooms.
  10. Each year more officer time is expended for marijuana related crimes. MCSO has been budgeted the same number of officers for the past 40 years.
  11. MCSO receives hundreds of calls complaining about the strong odor of growing marijuana.
  12. Illegal marijuana gardens consume County resources, e.g.:
    - law enforcement agencies contribute 25% of their resources and time in the summer for eradication of marijuana.
    - in the winter, 10% of resources and time are spent on enforcement of illegal drug activity, including court time,
    - MCDAO estimates 40% of their workload is dedicated to investigation and prosecution of illegal grows,
    - Child Protective Service is called when children are found at a drug bust,
    - those arrested may be receiving public aid and other social services,
    - dirt road erosion and deterioration caused by excessive traffic and speeding vehicles,
    - costly clean-up from fuel spills, fertilizers, and poisons.
  13. Illegal marijuana farming has become a public nuisance; e.g., the strong odor from the marijuana plants impacts neighbors.
  14. Foreign nationals are present in our County, representing cartels and syndicates, who trespass, are responsible for large grows on public and private lands.
  15. Each plant requires one to two gallons of water per day for maximum

- production. Water is diverted from streams, trucked over dirt roads to remote grows; landowners have reported their water stolen.
16. Chemical fertilizers are being leached into water sources.
  17. Pesticides and rat poisons are illegally transported from Mexico and are used on marijuana gardens.
  18. Illegal diversion of streams, spills of diesel fuel, hazardous waste, poisoning and killing of wildlife, erosion, and massive dumping of plastic debris and other trash, has caused an environmental disaster.
  19. Legal and illegal gardens are often protected by aggressive canines and armed laborers, representing a threat to the public, and effectively limiting access to public lands.
  20. There is such an abundance of illegal marijuana grow cases that the MCDAO has declined to prosecute certain cases, citing lack of staff.
  21. The County District Attorney issued an internal office memo which stated the office would not prosecute marijuana cases below 200 plants seized. This memo was leaked to the press and later rescinded.
  22. It was reported to the GJ that there is inconsistency in prosecuting or dismissing similar cases.
  23. Some County citizens believe that growing and/or using medical marijuana is a legal defense against prosecution.
  24. Illegal growers may have their cash, vehicles, equipment, or other assets seized and forfeited.
  25. Marijuana is so abundant that it is used as currency, *green cash*, to trade for other illegal drugs or goods.
  26. Oversupply of marijuana in Mendocino County has caused the local price to drop to less than \$2,000 per pound; whereas the price in Chicago is approximately \$7,000 per pound and \$4,500 in the state of Georgia.
  27. Marijuana is regularly shipped to customers throughout the nation by commercial and private carriers.
  28. Growers illegally bypass meters and pilfer electricity to grow crops indoors. Overload of electricity combined with inadequate wiring has caused structure fires.
  29. Rat poison has been found placed every 10 to 15 feet along a row of marijuana plants. Instructions on use clearly state that this product is not to be placed near plants that may be consumed by humans, and will poison domestic and wild animals. Animals or birds that ingest poisoned rats or other animals will themselves die of poisoning.
  30. Chemical fertilizer products, illegally imported from Mexico, have been found in these gardens. Law enforcement states that used and unused bags are left at grow sites. Rain or irrigation causes the chemicals to run into streams, ponds, and lakes.
  31. Law enforcement and the legal community cannot agree on the definition of a mature plant.
- 
-

---

## ***Recommendations***

The Grand Jury recommends that:

1. the Mendocino County Sheriff's Office continue to enforce all laws pertaining to marijuana grows. (Findings 1, 6-9,12-14,18-19)
  2. the Mendocino County Board of Supervisors use the zip-tie funds for a six month full time position for the administration of the program. (Finding 5)
  3. the Mendocino County Sheriff's Office continue to administer the "zip-tie" program and develop other programs that will eliminate costs and create revenue. (Finding 5)
  4. the Mendocino County Board of Supervisors not decrease the number of Sheriff's Deputy positions in the budget. (Finding 10)
  5. the Mendocino County District Attorney prosecute or dismiss all similar cases equally. (Findings 12, 20-24)
  6. Law enforcement and the legal community establish a uniform definition of a mature marijuana plant
- 
-