

**Grand Jury Report
RESPONSE FORM**

Grand Jury Report Title: Marijuana: It Cost More Than You Think

Report Dated: May 12, 2010

Response Form Submitted By:

Thomas D. Allman
Sheriff-Coroner
589A Low Gap Road
Ukiah, CA 95482

**Response MUST be submitted, per Penal Code §933.05, no later than:
July 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, 2, 4, 5, 6, 9, 10, 11, 12, 13

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.

3, 7, 8, 14

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:

6

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:

1, 2, 3, 5

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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:

4

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

Number of Pages attached: -6-

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:

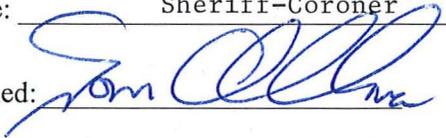
- The Grand Jury Foreperson at: grandjury@co.mendocino.ca.us
- The Presiding Judge: grandjury@mendocino.courts.ca.gov
- The County's Executive Office: ceo@co.mendocino.ca.us

Second Step: Mail all originals to:

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

Printed Name: Thomas D. Allman

Title: Sheriff-Coroner

Signed: 

Date: 7/28/10

At the time of this investigation many County residents were subject to significant water rationing. Water for both residential and agricultural use was at a critically low stage. Water released from Coyote Dam at Lake Mendocino was restricted during the summer to maintain sufficient flow to protect fish habitat in the fall.

Findings

1. During the summer of 2009 citizens observed and reported to the MCSO that tank trucks were making unauthorized withdrawals of water under cover of darkness, from the Potter Valley irrigation canals and other locations.

Sheriff's Office Response: The Sheriff's Office agrees with the finding.

2. The theft of water is a violation of California Penal Code §484 (petty theft) or §487 (grand theft, over \$400).

Sheriff's Office Response: The Sheriff's Office agrees with the finding.

3. The GJ obtained photographic evidence taken during the 2009 growing season, showing water being diverted from creeks for irrigation purposes at illegal marijuana growing sites.

Sheriff's Office Response: No Sheriff's Response. It is unknown where and when these photos referred to were taken.

4. Animal carcasses, human garbage, human waste, herbicides and animal poisons have been recently found at these sites.

Sheriff's Office Response: The Sheriff's Office agrees with the finding.

5. Photos also show water being polluted by highly toxic compounds. These toxins are used as fertilizer and pesticides which are diluted by mixing them with water in dammed areas of the stream bed. Possession and use of many of these chemicals are banned in the United States. (See Appendix B)

Sheriff's Office Response: The Sheriff's Office agrees with the finding.

6. Illegal marijuana growers have been responsible for the clear-cutting and clearing of vegetation, and the terracing of slopes that contribute to soil erosion and cause damage to the watershed.

Sheriff's Office Response: The Sheriff's Office agrees with the finding.

7. Some streams have been diverted and others have carried toxins downstream to rivers and lakes. These toxins have devastated bird and aquatic life and pose a threat to human habitat.

Sheriff's Office Response: No Sheriff's Response. It cannot be confirmed that the toxins have been devastating to wildlife without testing. The Sheriff's Office agrees that toxins are a threat.

8. Firearms and "booby" traps have been found at illegal grow sites. Federal inspectors and law enforcement officers have been injured during the process of cleanup activities.

Sheriff's Office Response: No Sheriff's Response. No Mendocino County officers have been injured in a County supported cleanup operation. The Sheriff is not aware of other cases.

9. Federal employees have stated: "illegal grows of marijuana have left portions of the public land off-limits". People have been shot and killed at these sites.

Sheriff's Office Response: The Sheriff's Office agrees with the finding.

10. After law enforcement eradicates the crop, the materials used at remote sites are often left in place due to the difficulty and cost of removal.

Sheriff's Office Response: The Sheriff's Office agrees with the finding.

11. These illegal grow sites are often re-used by growers utilizing the materials left from previous grows.

Sheriff's Office Response: The Sheriff's Office agrees with the finding.

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

Sheriff's Office Response: The Sheriff's Office agrees with the finding.

13. It is important for all citizens of the County to be vigilant and to report any suspected illegal use of water to the Mendocino County Sheriffs' Office Tip Line, (707) 467-9159.

Sheriff's Office Response: The Sheriff's Office agrees with the finding.

14. The MCSO is qualified to be the lead agency in the County for coordinating responses and investigations of reported water related crimes.

Sheriff's Office Response: The Sheriff's Office agrees with the finding. Funding should be made available for better training into water diversion and pollution investigations.

Recommendations

The Grand Jury recommends that:

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 known sites. (Findings 3-11)

Sheriff's Office Response: The Sheriff's Office agrees with the recommendation if funding is found to pay for cleanup outside the County's General Fund.

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)

Sheriff's Office Response: The Sheriff's Office agrees with the recommendation and will work with the DA's Office in whatever way necessary.

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

Sheriff's Office Response: The Sheriff's Office agrees with the recommendation and will work with the DA's Office in whatever way necessary.

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)

Sheriff's Office Response: The Sheriff's Office disagrees with the recommendation. It is questionable as to whether or not it would be a violation of the federal asset sharing rules to use forfeiture funds for this purpose. More research would need to be done and a plan put into place that is approved by the federal and state asset forfeiture powers.

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

Sheriff's Office Response: The Sheriff's Office agrees, however, further research is necessary to find necessary funding to implement this recommendation.