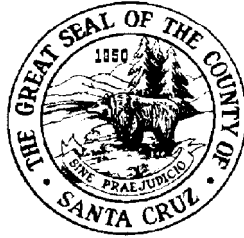

SHERIFF- CORONER



COUNTY OF SANTA CRUZ

MARK TRACY
SHERIFF-CORONER

701 OCEAN STREET, ROOM 340, SANTA CRUZ, CALIFORNIA 95060
(408) 454-2311 FAX: (408) 454-2353 TDD: (408) 454-2123

5-19-98

Agenda:

**Board of Supervisors.
County of Santa Cruz
701 Ocean Street
Santa Cruz, California 95060**

Dear Members of the Board:

On May 19, 1998, your Board scheduled June 2 as the date to consider the Sheriff's 1997 Report on Marijuana Suppression Program activities. Copies of the 1997 Report were distributed to your Board on May 18. During consideration of the 1997 Report, we are also asking your Board's approval of our proposed 1998-99 Marijuana Suppression Program

As the Board is aware there are two sources of funds available to the Sheriff's Office to support marijuana suppression efforts. First, the Cannabis Eradication Program has been a part of the Sheriff's budget for several years and is generally used for overtime expenses. Second, the Marijuana Suppression Program which is used for support staff and operating expenses. The Sheriff's Office is currently completing the second year of this three year grant.

This year the CEP funds have been re-authorized at a total of \$35,000 by the U.S. Department of Justice Drug Enforcement Agency. The amount allocated for FY 98/99 is forwarded to the County without the submission of a formal grant document or resolution.

The County was selected for a three year Marijuana Suppression Grant in 1996. The second year of that grant will end on 6-30-98. The State Office of Criminal Justice Planning has informed the Sheriff's Office that we are slated to receive \$217,850 in third year funding. OCJP is handling this third year funding as an extension of the second year. The funds will be allocated with the submittal of a Grant Award Modification and a revised grant budget.

Revenue and expenditure appropriations for both the Cannabis Eradication Program and Marijuana Suppression Program grants are contained in the Sheriff's proposed FY 98/99 budget request.

Therefore it is recommended that the Board take the following actions with regard to continuing efforts to control the cultivation and distribution for sale of marijuana in Santa Cruz County.

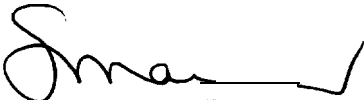
1. Accept and file report on the Sheriff's 1997 Report on Marijuana Suppression Program activities.
2. Approve the renewal of the Cannabis Eradication Program in the amount of \$35,000 for FY 98/99 from the Drug Enforcement Agency.
3. Approve a grant extension from 7-1-98 through 6-30-99 for the Marijuana Suppression Program (FY98/99) in the amount of \$217,850 from the State Office of Criminal Justice Planning.

Very truly yours,



MARK S. TRACY
Sheriff-Coroner

RECOMMENDED:



SUSAN A. MAURIELLO
County Administrative Officer

MARIJUANA SUPPRESSION PROGRAM

GRANT P.O.S.A.L.

FY1998/99

(on file with Clerk;)

Presented by:

SANTA CRUZ COUNTY SHERIFF'S OFFICE
MARK TRACY, SHERIFF-CORONER
MAY 15, 1998

GRANT PROPOSAL APPENDIX

1. Attachment A - Confidential Funds Justification
2. Attachment B - Vehicle Purchase Justification

6/2/98 67

SHERIFF- CORONER

MARK TRACY
SHERIFF-CORONER



COUNTY OF SANTA CRUZ

701 OCEAN STREET, ROOM 340, SANTA CRUZ, CALIFORNIA 95060
(408) 454-2311 FAX: (408) 454-2353 TDD: (408) 454-2123

**Mr. Ray Johnson
Executive Director
Office of Criminal Justice Planning
1130 K Street, Suite 300
Sacramento, CA 95814**

May 15, 1998

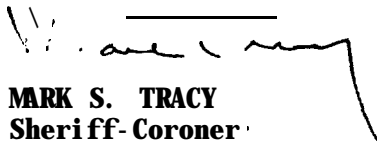
Dear Mr. Johnson:

Enclosed you will find the Santa Cruz County Sheriff's Office Marijuana Suppression Program request for grant modification. Three photo copies of the request are enclosed as well.

Our 1997/98 MSP program was quite successful and we look forward to even a better year in 1998/99. The grant will allow our Office to continue to reduce the 'availability of marijuana to our schools and community.

I would like to thank your Office for your continued assistance with this endeavor.

Sincerely,


**MARK S. TRACY
Sheriff-Coroner**

MAIL TO: 1130 K STREET, SUITE 300
 SACRAMENTO, CA 95814
 ATTN: GRANTS CONTROL UNIT

Instructions on reverse side

(1) GRANTEE County of Santa Cruz		(2) GRANT AWARD NUMBER MS97030440
(3) PROJECT TITLE Marijuana Suppression Program		(4) MODIFICATION NUMBER
(5) CONTACT PERSON Dan Camaos	(6) PHONE NUMBER (408) 454-3013	(7) GRANT PERIOD FROM 7-1-97 TO 6-30-98

(8) REVISION TO BUDGET

CATEGORY	CURRENT ALLOCATION	PROPOSED CHANGE	REVISED ALLOCATION
A. PERSONAL SERVICES	179,899.00	182,824.00	\$362,723.00
B. OPERATING EXPENSES	17,056.00	17,056.00	\$ 34,112.00
C. EQUIPMENT	20,895.00	17,970.00	\$ 38,865.00
TOTALS	217,850.00	217,850.00	\$435,700.00

(9) JUSTIFICATION FOR MODIFICATION

At OCJP's direction, this is to extend the grant from 6-30-98 to 6-30-99.

Additionally, OCJP has directed that a budget for FY 1998/99 be prepared at the same level of funding as FY1997/98.

(10) LOCAL APPROVAL SIGNATURES	DATE	(11) OCJP APPROVAL SIGNATURES	APPROVE	DISAPPROVE	DATE
(A) PROJECT DIRECTOR ▶ <i>Mary</i>	5-15-98	(A) PROGRAM STAFF ▶	<input type="checkbox"/>	<input type="checkbox"/>	
(B) FINANCIAL OFFICER ▶		(B) BRANCH CHIEF ▶	<input type="checkbox"/>	<input type="checkbox"/>	
(C) REGIONAL / LOCAL PLANNING DIRECTOR ▶		(C) DEPUTY DIRECTOR ▶	<input type="checkbox"/>	<input type="checkbox"/>	
		(D) EXECUTIVE DIRECTOR ▶	<input type="checkbox"/>	<input type="checkbox"/>	
		(E) GRANTS CONTROL STAFF ▶	<input type="checkbox"/>	<input type="checkbox"/>	
		(F) OTHER APPROVAL ▶	<input type="checkbox"/>	<input type="checkbox"/>	

Goldenrod to be retained by Grantee

STANDARD AGREEMENT

STD. 2 (REV. 4-80)

APPROVED BY THE
ATTORNEY GENERAL

CONTRACT NUMBER	AM. NO.
CONTRACTOR'S FEDERAL I.D. NUMBER	

THIS AGREEMENT, made and entered into this _____ day of _____, 19____, in the State of California, by and between State of California, through its duly elected or appointed, qualified and acting

TITLE OF OFFICER ACTING FOR STATE Executive Director	AGENCY : Office of Criminal Justice Planning, hereafter called the State, and hereafter called the Contractor.
CONTRACTOR'S NAME COUNTY OF SANTA CRUZ	

WITNESSETH: That the Contractor for and in consideration of the covenants, conditions, agreements, and stipulations of the State hereinafter expressed, does hereby agree to furnish to the State services and materials as follows: (Set forth service to be rendered by Contractor, amount to be paid Contractor, time for performance or completion, and attach plans and specifications, if any.)

Grant Award Agreement No. MS 97030440 between the parties hereto is hereby amended to increase the Federal amount by \$ 217,850 from \$ 217,850 to \$ 435,700; to increase the Total Project Cost by \$ 217,850 from \$ 217,850 to 435,700; and to change the ending date from 6/30/98 to 6/30/99.

All other provisions of this agreement shall remain as previously agreed upon.

CONTINUED ON _____ SHEETS, EACH BEARING NAME OF CONTRACTOR AND CONTRACT NUMBER.

The provisions on the reverse side hereof constitute a part of this agreement
IN WITNESS WHEREOF, this agreement has been executed by the parties hereto, upon the date first above written.

STATE OF CALIFORNIA		CONTRACTOR			
AGENCY Office of Criminal Justice Planning		CONTRACTOR (If other than an individual, state whether a corporation, partnership, etc.)			
BY (AUTHORIZED SIGNATURE) D		BY (AUTHORIZED SIGNATURE) D <i>Mark Tracy</i>			
PRINTED NAME OF PERSON SIGNING RAY JOHNSON		PRINTED NAME AND TITLE OF PERSON SIGNING MARK TRACY, SHERIFF/CORONER			
TITLE Executive Director		ADDRESS			
AMOUNT ENCUMBERED BY THIS DOCUMENT \$	PROGRAM/CATEGORY (CODE AND TITLE)		FUND TITLE		Department of General Services Use Only
PRIOR AMOUNT ENCUMBERED FOR THIS CONTRACT \$	(OPTIONAL USE)				
TOTAL AMOUNT ENCUMBERED TO DATE \$	ITEM	CHAPTER	STATUTE	FISCAL YEAR	
OBJECT OF EXPENDITURE (CODE AND TITLE)					
I hereby certify upon my own personal knowledge that budgeted funds are available for the period and purpose of the expenditure stated above.					
SIGNATURE OF ACCOUNTING OFFICER D		T.B.A. NO.		B.R. NO.	
		DATE			

☐ CONTRACTOR ☐ STATE AGENCY ☐ DEPT. OF GEN. SER. ☐ CONTROLLER ☐

1. PROBLEM STATEMENT

a. DESCRIPTION OF THE COUNTY

Santa Cruz County is located on the Monterey Bay Sanctuary and is bordered by San Mateo, Santa Clara, San Benito and Monterey Counties. The County is rural with approximately 230,000 residents. A diverse population lives within the County lines. The coastal areas are surrounded by rugged, mountainous terrain that is densely forested with redwood, pine and oak trees. Many small streams flow from the mountains to the sea, providing the County with an abundant water supply. Santa Cruz County enjoys a mild climate with temperatures seldom dipping below freezing in the Winter months.

With the rugged hills, an abundant water supply and a mild climate, it is no wonder that marijuana is grown in large quantities and sold in Santa Cruz County. Being located near the Silicon Valley enables local marijuana growers to have access to a large population of marijuana users, who are willing to purchase locally grown sinsemilla at a premium price. Currently, locally grown marijuana is being sold in our County for \$5,000.00 to \$6,500.00 a pound.

Santa Cruz County has a vast, unprotected coastline that travels from the San Mateo County line to the Monterey County line. It has ~~been~~ **rumored** for years that marijuana smugglers have imported many tons of marijuana using the isolated North Coast area of our county. These rumors were substantiated in 1988 when narcotics officers interrupted a group of smugglers off loading nine tons of marijuana from a ship in the Davenport area.

Marijuana cultivation has been a continual problem for local law enforcement in Santa Cruz County since the early 1970's. Santa Cruz is widely known for its liberal views and acceptance of counter culture lifestyles. Small, but active groups such as the Santa Cruz Hemp Council, Citizens for Medical Marijuana and NORMAL are very organized and well entrenched within the political arena of Santa Cruz. Over 70% of the County residents voted in favor of Proposition 215 (medical marijuana) in the November 1996 election.

The economic make up of Santa Cruz County is as diverse as the people who live here. Housing costs range from multi-million dollar homes in the Summit to low income apartments in the Santa Cruz Beach Flats and local labor camps. There is a large population of migrant farm workers who live in Santa Cruz County on a seasonal basis.

The University of California-Santa Cruz brings in a large student population during the school year. Over the years there have been a number of incidents where University students were involved with marijuana cultivation and sales cases.

Marijuana cases investigated during the past several years have

DESCRIPTION OF THE COUNTY (CONCLUDED):

involved people from all walks of life including school teachers, university professors, a pharmacist, a government official, farm laborers, university students, high school students, junior high school students, elementary school children, construction workers and business owners to just name a few.

Thus, with the rural terrain, a mild climate, a diverse population and varying socio-economic groups, marijuana cultivation and sales continue to challenge law enforcement in Santa Cruz County.

1. PROBLEM STATEMENT

b. PROBLEMS AND NEEDS

The Santa Cruz County Sheriff's Office, in conjunction with the Santa Cruz County District Attorney's Office, is currently in the second year of the current MSP Grant. As the result of grant funding the Sheriff's Office was able to dedicate two full time detectives to its marijuana eradication/enforcement efforts. Although, marijuana cultivation and trafficking continue to be a lucrative and ongoing criminal enterprise in Santa Cruz County, the current efforts put forth by the MSP Grant funded personnel impacted the growers and traffickers significantly.

Prior to the implementation of the grant, many tips and leads provided by anonymous citizens were not investigated due to lack of personnel. During the past year the assigned grant personnel were able to investigate almost all of the leads they received. The year to date statistics show that we are on a pace which will meet last years enforcement efforts. The year to date statistics are as follows: plant count (13,024), processed marijuana (133 lbs), and \$111,000.00 currency seized.

The recently released report provided by The United Way Community Needs Assessment Study stated that drug use in general and marijuana use specifically, has increased among our teenage population. With this in mind, coupled with the fact that the number of marijuana plants eradicated the past four years has increased (increased by over 40% in 1995 and over 100% in 1996), makes one believe there is truly a marijuana problem in Santa Cruz County.

Marijuana growers in Santa Cruz County have evolved their growing techniques and strains of marijuana plants so that detection from aerial overflights is difficult. Many growers have learned to conceal their illegal crop in thick manzanita that is prevalent in the mountainous terrain of our county. Further, growers have developed strains of marijuana that are different in color and shape than normal marijuana plants.

Many marijuana growers have found that cultivating marijuana indoors is safer, reduces the chance of having their illegal crop discovered by law enforcement and thieves and provides the grower with a year-a-round growing environment. A total of 24 indoor marijuana cultivations were successfully investigated by local law enforcement officers during FY97/98. These investigations led to the seizure of 3526 marijuana plants.

Indoor grows are time intensive both in the preliminary investigation and subsequent eradication. Due to the fact the Sheriff's Office had two deputies dedicated to marijuana enforcement this past year, we were able to spend the large amounts of time needed to conduct proper and thorough investigations that later were successfully prosecuted in court.

PROBLEMS AND NEEDS (CONTINUED):

Marijuana growers have evolved their cultivation techniques over the years by increasing the potency of their marijuana plants. Many growers are producing marijuana that is said by users, who were interviewed by Sheriff's Office personnel, to have hallucinogenic effects. Many users state that a single inhalation from locally grown marijuana will cause intoxicating effects for up to four hours. Locally grown marijuana was tested in 1992 and 1993 by the University of Mississippi. The Delta 9 T.H.C. content of one of the tested samples was in excess of 19%. Marijuana grown in the 1970's and early 1980's ranged between 3% and 5% in T.H.C. content.

The State Bureau of Narcotics Enforcement directs marijuana eradication during the summer months through the Campaign Against Marijuana Planting program. Santa Cruz County has been involved with CAMP since its inception. Generally, CAMP assists the Sheriff's Office for one to two weeks in the Summer with outdoor marijuana eradication. Using cumulative raid report statistics provided by the CAMP office, Santa Cruz County has consistently ranked as one of the top counties in the State with regards to plant count and arrests (for further see below).

YEAR	PLANTS	ARRESTS	SUSPECTS	RANKING PLANTS	RANKING ARRESTS
1993	2,454	30	20	4	1
1994	2,264	20	4	4	1
1995	4,768	18	2	4	1
1996	6,896	27	NA	4	2
1997	5,632	1	NA	7	7

Without the benefit of the MSP Grant the Santa Cruz County Sheriff's Office budget is stretched to the point that only basic patrol and investigative functions are provided to the community. The Sheriff's Office is responsible for providing law enforcement services to 91% of the 439 square miles that comprises our county. With this statistic in mind, there is currently one deputy sheriff for every 1,400 county residents.

The Sheriff's Office Marijuana Enforcement Team (MET) is currently operating out of the Special Investigations Unit of the Investigations Division. Two deputies are currently assigned to the unit. Prior to the FY96/97 MSP Grant the Special Investigations Unit was not only responsible for marijuana enforcement, but was also required to investigate forgery, fraud, vice, other narcotics cases and assist other investigative sections with major cases when they arose. With large case loads, these deputies found it difficult to adequately investigate many leads involving the cultivation and trafficking of marijuana. Further, marijuana cases were investigated on a seasonal basis.

PROBLEMS AND NEEDS (CONTINUED)

After receiving the MSP Grant most of the leads that came to the Marijuana Enforcement Team were investigated and many cases were successfully completed.

The Santa Cruz County District Attorney's Office has one of the highest case loads per Deputy District Attorney in the State.

Historically, most of the major marijuana cases submitted to the District Attorney's Office were assigned to a number of different attorney's and court rooms. This resulted in a wide range of dispositions and sentences that, at times, were not commensurate with the crime that was committed.

In FY1995/96 the District Attorney's Office, in anticipation of receiving a portion of the FY1996/97 MSP Grant, assigned one Deputy District Attorney to prosecute major marijuana offenders. We found this working relationship benefited both offices quite well. This working relationship continued into the FY1996/97 MSP Grant cycle when the MSP Grant funded one half of a Deputy District Attorney.

During the grant period the assigned Deputy District Attorney vertically prosecuted many major marijuana offenders referred by the M.E.T. team. By doing this magistrates were educated about the marijuana problem that exists in Santa Cruz County. During the course of the year we saw a number of major marijuana growers/dealers receive jail/prison sentences that in previous years would have been considered potential diversion cases. With the tremendous case load of each Deputy District Attorney, however, it is doubtful the District Attorney's Office could afford to provide one part time Deputy District Attorney in FY 1997/98.

In order to successfully counteract the marijuana problem in our county, we need to continue to dedicate two full time Deputy Sheriff's and one part time Deputy District Attorney to conduct year-round marijuana enforcement. The two Deputy Sheriff's would continue to be responsible for the eradication of outdoor marijuana cultivations, investigate indoor marijuana grows, conduct investigations from information provided by citizens and informants, investigate major marijuana traffickers, assist school resource officers with the marijuana problem that is plaguing the local schools and assist other local police agencies with marijuana related investigations. The Deputy District Attorney assigned to the unit would continue be responsible for reviewing search warrants, assist case preparation and vertically prosecute all major marijuana offenders.

In conclusion, marijuana cultivation and trafficking continue to be an ongoing problem in Santa Cruz County. The current resources that are available to us will not allow the level of attention this problem needs and deserves.

PROBLEMS AND NEEDS (CONCLUDED)

A full time grant funded marijuana enforcement unit will enable our office to not only ~~eradicate~~ and arrest cultivators and traffickers, but will allow ~~us to educate~~ the public about drug and the harmful effects it is ~~having~~ on our society and schools.

1. PROBLEM STATEMENT

c. TARGET AREA

Santa Cruz County enjoys a very temperate and mild climate. Marijuana growers have found that cannabis flourishes in our area. This is due to a variety of reasons including mild climate (as stated above), abundant water supply, mountainous terrain and remote areas not often patrolled by law enforcement.

With only 439 Square miles, Santa **Cruz** County is the second smallest county in California. Our county has **approximately** 250,000 permanent residents (approximately one percent of the State's population). Santa Cruz is mostly rural, with 2/3 of the County's 439 square miles being considered forest land by the U.S. Department of Agriculture.

Santa Cruz County has many small communities that are isolated from the general population. The most isolated areas of the County seem to produce the largest quantities of marijuana plants, however, marijuana is grown in all areas of the County, including the urban areas.

According to the 1997 United Way Community Assessment Project, unemployment rates in Santa Cruz County dropped from 9.3% to 8.3% in 1996. Even though the overall unemployment rate for the county decreased, it is still higher than the national average of 5.5%

According to the 1990 U.S. Census 24.4% of the population of Santa Cruz is Hispanic. Further, 18.2% of the Hispanics meet the guidelines for living below the poverty level.

Historically, most of the marijuana cultivators that have been arrested in Santa Cruz County have been **Caucasion**. There has been a minor influx of Mexican Nationals, who we suspect grew a number of the larger marijuana cultivations we eradicated this past season.

Sheriff Tracy has the discretion to make marijuana suppression a priority and finance it out of his yearly budget. However, because the Sheriff's Office's resources are stretched so thin funding this program out of the Office's yearly budget is impossible.

Historically, the Santa Cruz County Sheriff's Office has depended on Federal and State monies to augment our marijuana enforcement program. We have utilized CAMP and National Guard resources to their fullest extent. Due to budgetary constraints CAMP has been forced to downsize their program to the point of each year being a struggle to remain solvent. The National Guard has also been a victim of downsizing. At a recent National Guard conference we were advised a majority of their OH-58 helicopter fleet was going

TARGET AREA (CONCLUDED) :

to be taken out of service FY 97/98.

To this end, the Santa Cruz County Sheriff's Office has utilized all other resources and monies made available to us. Prior to **FY96/97** we concentrated our efforts during the traditional outdoor marijuana growing season. Our effort coincided with the State operated CAMP program eradication season. During the past year, because of MSP funds, we were able to investigate marijuana cases that we previously did not have the time and resources for. These cases led to many large seizures and successful investigations.

Without the MSP funds made available to us for the last year our marijuana enforcement program would be run on a seasonal basis, at best. Without the assistance of this grant, marijuana enforcement could easily become a **"non-priority"** in Santa **Cruz** County. This grant would allow us to be less susceptible to budget fluctuations that all counties are experiencing and would provide the resources to continue our marijuana enforcement activities.

1. PROBLEM STATEMENT

d. ANTICIPATED IMPACT

This grant will continue to meet the needs of the County in a number of ways. By **continuing** to have a solvent mariiuaana enforcement program, **the Sheriff's Office** will significantly reduce the **supply** of locally grown marijuana. This, in return, will result with smaller amounts of marijuana being made available to local schools and citizens.

The grant will continue to allow the Sheriff's Office to assign two full time deputies to year-a-round marijuana enforcement program. The assigned deputies will continue to investigate marijuana traffickers and indoor marijuana cultivations, as well as, conduct aerial overflights for outdoor marijuana grows. During the Summer and Fall months the assigned personnel will eradicated outdoor marijuana cultivations. The assigned personnel will also provide the community with educational forums regarding the dangers associated with marijuana use, cultivation and traffick-ing. This will be conducted in the form of attending meetings with local civic groups, churches and schools. Increased public awareness should result in reduced demand and increased cooperation with law enforcement.

The original grant application indicated that the MSP grant would impact the local criminal justice system. There was an increase in marijuana cases prosecuted through the local justice system, however, we found that the MSP grant did not significantly impact the courts. It is anticipated that the court system will continue to hear MSP cases, without disrupting other case loads.

The grant assigned Deputy District Attorney was kept busy throughout the first grant cycle. The assigned attorney assisted the Sheriff's Office with search warrant preparation, case preparation and court room testimony. The assigned attorney vertically prosecuted major marijuana offenders through the court process during arraignments, preliminary hearings, motions and trials. The District Attorney's Office will continue to devote time and other personnel for research and trial preparation. The District Attorney's Office will demonstrate the same dedication to MSP cases for FY 1998/99 as it did in FY1997/98.

There will continue to be an impact on the Sheriff's Office to provide assistance to the assigned deputies with major cases, service of search warrants, the eradication of both indoor and outdoor marijuana cultivations and assistance with follow-up investigations. Deputies that are assigned to assist the MET team will be paid with overtime obtained from the DEA and from the Sheriff's Office overtime budget.

ANTICIPATED IMPACT (CONCLUDED)

As indicated in the original MSP grant application it was anticipated **that** Small Claims Court may **also be** impacted by hearing restitution requests per 11470.1 H&S. During the course of the year it was found that the MSP grant did not have a significant impact on the Small Claims Courts. Most of the 11470.1 H&S and 11470.2 H&S claims were heard with the defendant's criminal cases.

Other local law enforcement agencies will be impacted and benefit from this grant. These agencies will be able to contact the deputies assigned to the grant for assistance with search warrant writing, case preparation and ultimately the eradication of marijuana cultivations within their cities. During the first grant cycle- the MSP deputies assisted other law enforcement personnel with marijuana cases that benefited both the MET team and the outside police agencies.

By having the Sheriff's Office, District Attorney's Office and other law enforcement agencies working together, this grant has and will continue to benefit the County by ultimately reducing the number of marijuana cultivators and traffickers. By reducing the numbers of marijuana growers and dealers, Santa Cruz County will benefit by having less marijuana in our schools and community*

1. PROBLEM STATEMENT

e. IMPACT OF PROPOSITION 215 ON SANTA CRUZ COUNTY

In November 1996 California voters passed Proposition 215 (Compassionate Use Act). During the subsequent months since its passage much confusion has arisen from the public, law enforcement and courts about the legality of medical marijuana. The State Attorney Generals' Office has subsequently provided guidance to law enforcement in regards to this new law.

Prop 215 did not legalize marijuana for medical use, but allows for an affirmative defense for the marijuana grower/user to present in a court of law. The guidelines handed down by the State Attorney General's Office encourage police officers not to take enforcement action against a grower/user when the suspect is clearly suffering from a serious illness and has been given a written or oral prescription/recommendation by a physician to use marijuana. Proposition 215 did not re-schedule marijuana, in that marijuana continues to be a Schedule 1 controlled substance. All Schedule 1 controlled substances are illegal to possess or for a doctor to prescribe.

The highly publicized court case against the San Francisco Cannabis Buyers Club has also provided guidance in dealing with club **type** operations. The court seems clear in **it's** message that Proposition 215 does not create a defense for Cannabis Clubs as primary caregivers to a large number of people.

Santa Cruz City's prominent cannabis buyers club recently closed it's doors. Another group continues to operate openly and provide marijuana to it's patients. Local law enforcement has not taken enforcement action against this group.

The biggest concern that MET members have regarding Proposition 215 is that this law sends a message to youth that marijuana is a medicine, thus, it is a **"benign"** drug. The truth is that locally grown marijuana is **a powerful** hallucinogenic drug that is addictive and has harmful side effects. A recent study published in Science Journal stated that, **"People** who smoke large amounts of marijuana on a daily basis experience changes in their brain chemistry that are identical to the changes seen in the brains of people who abuse heroin, cocaine, amphetamines, nicotine and **alcohol."** The study also indicated that an estimated 100,000 Americans each year seek treatment from rehabilitation centers for marijuana addiction.

Proposition 215 has impacted Santa Cruz County in a variety of ways. By **"legalizing"** marijuana this law has legitimized cannabis in main stream society. Using anecdotal evidence medical marijuana proponents have convinced the public that cannabis is a **cureall** for a variety of illnesses.

IMPACT OF PROP 215 (CONCLUDED)

Medical studies have shown that smoked marijuana has more carcinogens than tobacco, is highly potent and addictive and actually increases the rate an illness progresses by breaking down the immune system.

The court system has been impacted by Proposition 215 by hearing more motions from marijuana growers, who have tried to convince magistrates they were **growing marijuana** under the protection of Proposition 215. Several small scale growers were successful in this endeavor. However, as of this writing there has not been a single **"commercial grower"** who has been successful in convincing a judge that he was growing a large number of marijuana plants for medicinal use.

OBJECTIVE LE-1

CURRENT EFFORTS

The MSP Grant for FY1997/98 funded two full time Deputy Sheriff's to conduct marijuana eradication efforts throughout the County. The MET team experienced tremendous success throughout the year investigating indoor and outdoor marijuana growers, as well as marijuana traffickers.

During the summer months the assigned Deputies conducted marijuana reconnaissance flights with the National Guard. CAMP assisted the two Deputies for a two week period with the eradication of marijuana cultivation sites that were detected during the National Guard reconnaissance flights.

The assigned Deputies wrote search warrants whenever they believed the cultivation sites they detected were associated with a structure. The Deputies subsequently served the search warrants and arrested commercial growers or issued low level cultivators citations to appear in court .

The assigned Deputies conducted investigations (whenever possible) when citizens or informants provided them with marijuana related information. The two assigned Deputies were responsible for writing reports documenting the seizure of marijuana plants and/or the arrest of the marijuana cultivator(s).

The two Deputies were responsible for booking evidence and testifying in court. Both Deputies currently assigned to the Marijuana Enforcement Team (MET) are court qualified experts in the area of marijuana cultivation and sales in both Municipal and Superior Courts of our County.

The two assigned Deputies were responsible for the destruction of all marijuana plants they seized when no suspects were identified. Both Deputies attended marijuana training provided by CAMP, National Guard, DEA, OCJP and DOJ.

The assigned Deputies initiated asset forfeiture proceedings whenever possible. During this year the MET team seized over \$111,000.00 in cash from commercial growers and traffickers. Additionally forfeiture proceedings are currently underway for two residences. The District Attorney's Office currently has an assigned Deputy District Attorney, who oversees all of the County's asset forfeiture cases.

The assigned Deputies kept a detailed statistical account of all marijuana enforcement activities that occurred throughout the year. This ledger included marijuana related data compiled from all law enforcement agencies in the County. All baseline data listed throughout this grant proposal is based on actual data.

OBJECTIVE LE-1

CURRENT EFFORTS (CONCLUDED) :

Prior to the FY1996/97 MSP grant, the District Attorney's Office was not able to prosecute major marijuana offenders in a uniform manner. With the implementation of the MSP grant, the District Attorney's Office provided the MET team with a half time grant funded attorney for the twelve month grant period. This benefited the program by having one dedicated attorney vertically prosecute major offenders. This resulted in a more uniform disposition involving MET team cases.

PROPOSED EFFORTS

It has been our experience that the more time actually spent investigating marijuana related cases, the more successful the operation is. The MSP Grant allows Santa Cruz County Sheriff's Office the luxury of having two Deputies assigned to conduct marijuana enforcement on a full time basis. Because of this, the MET team seized more marijuana plants and conducted more thorough investigations than ever before.

With the assistance of the MSP grant, the MET team will continue to conduct more marijuana investigations and be more thorough, due to **not** having time constraints; The MET team will continue to follow-up on tips provided by citizens and informants. We will also **continue** to investigate the more time intensive indoor marijuana grows.

The District Attorney's Office will continue to benefit by being presented with -complete and thoroughly investigated cases. Because the Sheriff's Office has two full time Deputies assigned to conduct marijuana suppression efforts, the District Attorney's Office does not have to assign their investigators to conduct follow-up investigations or other requests initiated by the Deputy District Attorney assigned to the case. The assigned Deputy District Attorney will route all of his/her requests for follow-up through the two assigned Deputies.

Having an attorney dedicated to the program for half time for a twelve month period will continue to result in a more uniform and consistent prosecution of marijuana offenders. The Deputy District Attorney assigned to the unit will assist with the preparation of search warrants as well. This will lead to more complete and well written search warrants.

The two assigned Deputy Sheriff's will attend annual training including CNOA, CAMP, OCJP and the National Guard conferences. The assigned Deputy District Attorney will attend the CNOA, CAMP, and OCJP annual conferences. This training will benefit the program by keeping the assigned personnel current and updated in the field of marijuana enforcement.

OBJECTIVE LE-1

PROPOSED EFFORTS (CONCLUDED):

The assigned personnel will continue to train other Deputy Sheriff's and law enforcement agencies in the area of marijuana eradication and enforcement. The assigned Deputies will be available to other agencies for assistance with their marijuana investigations.

By having the time that is necessary, the two assigned Deputies will be available to the public to elevate awareness and education. This in turn will develop a base of support and cooperation from the public. Arrest, prosecution, asset forfeiture, 11470.1 H&S requests', "increased community education, support and cooperation will continue to be the emphasis of this program.

All baseline data provided in this grant proposal is based on actual data compiled throughout the year by the Sheriff's Office Marijuana Enforcement Team.

Law Enforcement Component

OBJECTIVE LE-1: Suppress marijuana cultivation through a comprehensive detection eradication effort.

Activities	Baseline Data 97/98	Projected 98/99
Supply the number of:		
1. <u>indoor</u> marijuana cultivation sites detected;	<u>37</u>	<u>45</u>
2. <u>indoor</u> marijuana cultivation sites eradicated;	<u>77</u>	<u>45</u>
3. <u>outdoor</u> marijuana cultivation sites detected;	<u>60</u>	<u>100</u>
4. <u>outdoor</u> marijuana cultivation, sites eradicated;	<u>57</u>	<u>85</u>
5. marijuana plants confiscated;	1 3 , 0 2 4	<u>14,000</u>
6. marijuana plants, wet weight total (in pounds);‘and	<u>17,000</u>	<u>15,000</u>
7. processed marijuana confiscated, weight (in pounds).	<u>155</u>	<u>150</u>

OBJECTIVE LE-2

CURRENT EFFORTS

Currently, the Santa Cruz County Sheriff's Office Marijuana Enforcement Team uses a variety of methods to investigate marijuana cultivators and traffickers. The most common and successful method we use is that of aerial reconnaissance to locate outdoor marijuana cultivations. Other methods that are currently in place include utilizing the Sheriff's Office Tip-Line, information obtained from other law enforcement officers, tips from citizens and payment of informants for marijuana related information.

The investigation of marijuana traffickers is more time intensive and often a Confidential Informant is needed to infiltrate the trafficking organization. Persons who are used as Confidential Informants typically want to be paid for their efforts. At this point in FY1997/98 the MET team has not used paid informants for marijuana related information.

Citizens routinely call the Sheriff's Office and provide information regarding marijuana cultivations. Usually the citizen had "stumbled" into a marijuana grow while hiking in the mountains. In one case of note that occurred in April of 1996 a citizen called the Sheriff's Office to report suspicious activity that was occurring on her neighbor's property. The assigned grant personnel followed up on the tip and seized over 4,900 marijuana plants from the neighbor's residence.

As stated above, the Sheriff's Office also has a tip-line where citizens can anonymously phone the tip-line and report illegal activity. Information received from the tip-line has resulted in a large number of substantial marijuana seizures.

Once a marijuana cultivator and/or trafficker has been identified a criminal investigation is then initiated. This is done by conducting a background investigation into the cultivator/trafficker's criminal history, drivers license information, Assessors Office information, probation or parole status, WSIN and local narcotics data bases. Surveillance of the cultivators home or business is sometimes also done.

Once enough probable cause has been established, a search warrant is then obtained and served. If illegal contraband is located when the search warrant is served, the cultivator/trafficker- is then arrested or cited.

If enough evidence to obtain a search warrant cannot be established, a consent search may be considered. Once the cultivator/trafficker is arrested/cited, asset forfeiture proceedings (when appropriate) are initiated.

OBJECTIVE LE-2

PROPOSED EFFORTS

With the third year extensions of the MSP Grant, we would be afforded the time and personnel to conduct surveillance of larger identified marijuana gardens and wait for the cultivator to tend to his/her illegal crop. MET team members conducted surveillance of a large outdoor marijuana garden in the past with good results. After several days, the grower arrived at the garden site to tend to his marijuana plants. The grower was arrested without incident and nearly 300 marijuana plants were seized. This kind of enforcement action is time intensive and cannot be conducted without the assistance of the MSP grant.

The use of Confidential Funds would continue to benefit our efforts by allowing us to pay informants for their information. This in turn will allow us to successfully infiltrate some of the larger marijuana cultivating/trafficking organizations.

Aerial overflights conducted with the assistance of the California Air National Guard will continue to be performed as a method to locate outdoor marijuana cultivations.

We have found that the more personnel we have, the chance for a successful investigation increases. Investigations involving major marijuana traffickers and cultivators are time intensive. If a major trafficker was identified we would attempt to complete the case within our own unit. However, we would consider bringing in an outside agency if we felt we needed additional assistance. This occurred on several occasions during FY1996/97 when we requested assistance from the DEA. The DEA assisted the MET team and successfully prosecuted two major marijuana offenders in federal court.

The MET team will continue to utilize resources from the CAMP office. The MET team will request CAMP assistance for at least one week in the Summer months to help eradicate the larger marijuana gardens that are being cultivated in the remote regions of Santa Cruz County.

With the assistance of the MSP grant, MET team members will continue to initiate investigations involving large scale traffickers and cultivators. The MET team will also continue to request assistance from outside agencies including DEA, National Guard, DOJ and our local drug task force when needed.

All baseline data provided in this grant proposal is based on actual data compiled throughout the year by the Sheriff's Office Marijuana Enforcement Team.

OBJECTIVE LE-2: Investigate marijuana cultivation and trafficking organizations.

Activities:	Baseline Data 97/98	Projected 98/99
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Supply the number of:

1.	investigations initiated for marijuana cultivation and trafficking;	<u>187</u>	<u>200</u>
2.	investigations which resulted in arrest;	<u>156</u>	<u>150</u>
3.	search warrants served;	<u>45</u>	<u>50</u>
4.	total arrests; and	<u>214</u>	<u>200</u>
5.	total referrals to prosecution.	<u>204</u>	<u>3m-l</u>

OBJECTIVE LE-3

CURRENT EFFORTS

The Sheriff's Office Marijuana Enforcement Team currently makes a concerted effort to seize the assets of commercial marijuana growers and traffickers when appropriate. Most marijuana related seizures in FY1996/97 involved currency, however, during the grant period the MET team seized two pieces of property and a vehicle that were determined to be derived from the sale of marijuana.

When a case is investigated and assets are located, the investigating officer typically conducts a financial interview with the suspect. These interviews assist greatly by identifying the suspect's assets and determining the suspect's legitimate monthly income. We attempt to locate all of the suspect's asset related documentation (i.e. bank records, property holdings, etc.) so the District Attorney's Office Asset Forfeiture Unit can review these records.

The Sergeant assigned to the Special Investigations Unit is responsible for monitoring and completing the appropriate paper work for all marijuana related asset forfeiture proceedings. This Sergeant is also assigned as a liaison to the District Attorney's Office Asset Forfeiture Unit.

When a suspect is arrested for marijuana cultivation and/or sales and assets are located, the forfeiture paperwork and information is then sent to The District Attorney's Office Asset Forfeiture Unit. This unit then determines if forfeiture proceedings are appropriate. If follow-up is needed the Asset Forfeiture Unit then sends follow-up requests to the investigating officer(s).

When blatant cases of tax evasion are discovered, the investigating officer(s) contact the IRS and State Franchise Tax Board. Parallel investigations were then conducted by the Sheriff's Office, the IRS and the State Franchise Tax Board.

PROPOSED EFFORTS

With the third year extension of the MSP Grant we anticipate that we would continue to seize assets when appropriate. We will also send one Deputy Sheriff to training on conducting Asset Forfeiture investigations. This training should provided an excellent platform for conducting future forfeiture investigations. The MET team conducted 11 asset forfeiture cases in FY1997/98 and anticipate conducting even more asset forfeiture cases in FY1998/99.

OBJECTIVE LE-3

We would continue to work closely with the District Attorney's Office Asset Forfeiture Unit. The MSP grant would enable the assigned Deputies to continue to spend more time conducting follow-up investigations into asset forfeiture cases.

PROPOSED EFFORTS (CONCLUDED):

The assigned Deputy- District Attorney would continue to be present when search warrants are served. The assigned Deputy District Attorney would assist with the execution of the search warrant by being responsible for collecting and reviewing the suspect's asset related paper work. This in turn would assist with forfeiture proceedings by identifying the suspect's assets.

Asset forfeiture is an important component' in the prosecution and arrest of the marijuana cultivator/trafficker. However, asset forfeiture will not be the primary reason to investigate the suspect's criminal enterprise. Asset forfeiture will be one avenue that will be explored when investigating a marijuana case, along with the arrest, prosecution and sentencing of the cultivator/trafficker.

One problem that we have had is convincing federal agencies to adopt an asset forfeiture related case. These federal agencies are burdened with large case loads of their own and it is difficult to convince them to take one of our forfeiture cases. We would attempt to liaison with the U.S. Attorney's Office and develop a working relationship with federal agencies.

All baseline data provided in this grant proposal is based on actual data compiled throughout the year by the Sheriff's Office Marijuana Enforcement Team.

OBJECTIVE LE-3: Seize, for forfeiture proceedings, assets of marijuana cultivators and traffickers.

Activities:	Baseline Data 97/98	Projected 98/99
Supply:		
1. the number of investigations which resulted in asset seizures;	<u>11</u>	<u>25</u>
2. the dollar value of real property seized;	400,000	500,000
3. the dollar value of personal property seized;	<u>8,000</u>	<u>20,000</u>
4. the amount of cash seized;	111,422.85	<u>150,000</u>
5. the total amount of assets seized; and	519,422,85	<u>670,000</u>
6. the total number of weapons seized.	<u>18</u>	<u>50</u>

OBJECTIVE LE-4

CURRENT EFFORTS

The FY1997/98 MSP grant made it possible for the assigned personnel to attend a number of training conferences including CNOA, CAMP, OCJP and the DEA overflight school. Prior to the implementation of the MSP grant, the Sheriff's Office was not able to provide MET team members with such extensive training. This training benefited the MET team by furthering the assigned personnel's expertise in the marijuana investigation field.

MET team members also provided other Sheriff's Office and law enforcement personnel with in house training. A portion of this training was conducted in the field during the investigation of actual cases.

PROPOSED EFFORTS

With the third year extension of the MSP Grant we will be able to continue to develop the expertise in marijuana investigations of the assigned Deputy Sheriff's. The grant will also allow the assigned Deputy District Attorney to receive the same training that the assigned Deputy Sheriff's receive. As the result of this additional training both the investigation and prosecution of cases will benefit.

The grant will allow us to send at least one of the assigned Deputies to the indoor marijuana cultivation school. All three grant assigned personnel will attend the annual OCJP training seminar, as well as the annual CAMP and CNOA conferences.

The two assigned Deputy Sheriffs will be responsible for in-house training of other Deputies in the area of marijuana cultivation and trafficking. The two assigned Deputies will provide training for all local law enforcement agencies requesting assistance.

All baseline data provided in this grant proposal is based on actual data compiled throughout the year by the Sheriff's Office Marijuana Enforcement Team.

OBJECTIVE LE-4: Improve the quality of marijuana investigations and eradication efforts.

Activities:	Baseline Data 97/98	Projected 98/99
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Supply the number of:

- | | | | |
|----|--|-----------|-------------|
| 1. | personnel assigned to the project; and | <u>25</u> | <u>25</u> 5 |
| 2. | personnel attending narcotics training sessions. | 3 | <u>3</u> |

OBJECTIVE LE-5

CURRENT EFFORTS

During FY1997/98 the MET team found this objective to be problematic for a number of reasons. Initially, we believed we would have time in the Winter and early Spring months to provide the public with marijuana related presentations. However, due to a large case load we did not have a substantial period of time that we could dedicate to this objective.

Further, MET team members work in an "undercover" capacity. It proved to be difficult to speak at community forums and work in an undercover assignment at the same time.

The MET team gave one presentation at a local schools and discussed the dangers of marijuana use with the children.

During FY1996/97 the MET team provided the local media with ten press releases. These press releases were completed if a major cultivation cite had been located or an unusual cases had occurred.

PROPOSED EFFORTS

In FY1998/99 the MET will provide various community groups, schools and churches with at least three marijuana related presentations. The assigned deputies will work closely with the DARE Program instructor in providing classroom presentations. The grant assigned attorney will also assist with these presentations.

We will have one media day where we will take members of the press to an outdoor marijuana cultivation site. At the marijuana cultivation site members of the press will be able to photograph and videotape the growing marijuana plants.

We will provide our Community Service Centers with marijuana related literature. Deputies assigned to the Community Service Centers will be encouraged to hand out this literature and provide local schools and community groups with presentations regarding the health risks and dangers of marijuana use, cultivation and sales. The two grant assigned Deputies will provide the Service Center Deputies with marijuana related training.

OBJECTIVE LE-5: Provide community education and awareness forums to the public on the dangers and myths of marijuana use.

Activities:

**Projected
98/99**

Discuss the numbers and types of:

- | | | |
|----|--|-------|
| 1. | educational forums presented (to clubs, schools, fairs, utility companies, etc.) and | 5 |
| | | <hr/> |
| | | 20 |
| 2. | press releases to media. | <hr/> |

CURRENT EFFORTS

The District Attorney's Office has currently assigned a senior MSP prosecutor who works with the Sheriff's Office and other law enforcement agencies on marijuana cultivation cases. That attorney is generally responsible for vertically prosecuting MSP cultivation cases which are referred by law enforcement. This task includes helping to evaluate potential referrals for prosecutive merit at the investigative and pre-arrest states, as well as handling court appearances at arraignments, grand jury sessions and/or preliminary hearings, pretrial proceedings, trials, sentencing hearings, diversion review hearings and probation/parole violation hearings.

PROPOSED EFFORTS

The program's degree of focus and greater resource commitment yields a high conviction rate. In addition to the vigorous vertical prosecution of new referrals from arraignment through sentencing, the project attorney aggressively pursues probation and parole violations against previous violators who reoffend. Many marijuana growers habitually commit new violations. Because of his/her current-year efforts, the designated project attorney is fully aware of the circumstances of many cultivation violators who have been placed on probation or parole. S/he is also aware of all of this community's cultivation defendants who have received court-ordered drug diversion, as well as of the terms that are generally imposed in such cases. The project attorney makes maximum use of all such terms to help make certain that appropriate dispositions are reached in court.

We anticipate that the great majority of cultivation cases referred for prosecution will continue to be generated by the Sheriff's Office Marijuana Suppression Team. However, some referrals can be expected from police agencies operating within their own jurisdictions, and from the countywide interagency narcotics enforcement team (SCCNET). All felony cultivation cases will continue to be handled by the project attorney regardless of the referring agency.

The projected number of referrals and cases accepted reflects the anticipated caseload for the upcoming grant year.

CASE TRACKING

Adequate case tracking is assured through four complementary data capture methods. First, a Defendant Data Form is completed for all new cases referred to the office, regardless of originating agency. (Note: Because prosecutions are conducted against named individuals, each person referred to the District Attorney's Office is counted as a separate case.) Second,

a case intake and disposition log is maintained for all cases throughout the grant term. Third, the office's automated mainframe-based case management system (PROFILE) is used to capture the court's Minute Orders subsequent to each court appearance in all cultivation cases, PROFILE is an on-line system which can be accessed by both District Attorney and Sheriff personnel. It is used to keep project personnel apprised of all future court events and appearance dates (historical data is also maintained), and also tracks referring agency, charges and defendants (including aliases), case dispositions and sentencing terms. Fourth, the project attorney keeps a daily log which will show how many hours s/he spent on each grant-related activity or case.

The District Attorney component of the project is managed through the "in-kind" efforts of a Senior Supervisory Assistant District Attorney. S/he is primarily responsible for overall quality of the prosecution effort. In addition, the District Attorney's Grant Compliance Monitor works "in-kind" to assure compliance with OCJP program and documentation requirements.

BASELINE DATA

The reported data for FY 1997/1998 reflects the actual work of the MSP attorney. The data was captured and maintained by that individual and is retained in the District Attorney's Office.

OBJECTIVE DA- 1: Increase the conviction rate of felony marijuana cultivators and traffickers.

Activities:	Baseline Data 97/98	Projected 98/99
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Supply the number of:

1. cultivators and traffickers referred for prosecution;	<u> 144 </u>	<u> 150 </u>
2. complaints filed;	133	125
3. prosecutions resulting in convictions; and	<u> 102 </u>	<u> 100 </u>
4. cases dismissed.	<u> 5 </u>	<u> 10 </u>

CURRENT EFFORTS

As discussed in DA-I above, the District Attorney's Office has currently assigned a senior prosecutor to work with the Sheriff's Office and other law enforcement agencies on the MSP Grant. His/her duties include assisting in the preparation of search warrants, meeting with enforcement personnel on pre-arrest strategies, and in providing other necessary legal assistance and training.

PROPOSED EFFORTS

The project attorney remains more available to provide the above-mentioned services. Most of these services are required 'during the "growing season." During that time, the great majority of project attorney's non-cultivation-related duties are reassigned to others in the office. As a result, enforcement personnel are provided with timely and specialized legal services on an as-needed basis, greater continuity is assured between cases, warrant preparation efforts are more expedient, and enforcement operations are less susceptible to legal challenge during subsequent litigation. The need for and use of these services--particularly warrant assists and pre-arrest strategy meetings--increase as the growing season nears.

In addition, 'training is provided to the Sheriff's cultivation team on an ongoing basis throughout the growing season. Most of this training is informal and will generally delivered through contact with the project attorney on the cases being handled under the grant. A small number of more structured training sessions are, however, provided to the team in the areas of "search and seizure," "open fields doctrine," "exigent circumstance searches" and Miranda warnings.

PROPOSED POLICIES

All warrant requests pursued under the proposed grant will be handled by the project attorney. (Note: The office has designated an alternate to provide all grant-related services should the regular project attorney become unavailable, i.e., during periods of sickness or vacation. OCJP will be properly advised should this be required.)

Current practices also provide that any sitting judge in this county may sign a cultivation-related search warrant. As a policy objective, the project attorney has sought to have all search warrants signed only by felony-level judges.

Finally, the project attorney aggressively petitions the courts for bail increase orders in all cases which involve major growers.

LIAISON ACTIVITIES

As discussed above, the project attorney works closely with members of the Sheriffs Marijuana Suppression Team, as well as with law enforcement personnel involved in cultivation cases in other jurisdictions. There is daily contact throughout the year.

Liaison is also provided at the supervisory level through ongoing communication between the office's Senior Supervisory Assistant District Attorney and management personnel in the law enforcement personnel agencies.

Finally, liaison is promoted through multi-agency access to the case status and appearance information provided by the District Attorney's mainframe based automated case tracking system (please see the PROFILE description above).

BASELINE DATA

The warrant assist data is maintained within our office by the MSP prosecutor.

OBJECTIVE DA-2: Provide specialized services to law enforcement personnel to improve the quality of marijuana prosecution efforts.

Activities:	Baseline Data 97/98	Projected 98/99
Supply the number of:		
1. search warrant preparation assists:	<u> 40 </u>	<u> 40 </u>
2. pre-arrest strategy meetings;	<u> 20 </u>	<u> 20 </u>
3. on-scene legal assistance during execution of search warrants; and	<u> 10 </u>	<u> 10 </u>
4. training sessions given to law enforcement.	<u> 8 </u>	<u> 5 </u>

CURRENT EFFORTS

The District Attorney's Office currently has a prosecutor assigned to handle asset forfeiture cases. That attorney aggressively prosecutes all asset forfeiture cases referred by law enforcement. That attorney works closely to coordinate possible cultivation-related cases.

PROPOSED EFFORTS

All marijuana cultivation cases that are referred from law enforcement are closely examined to determine their asset forfeiture potential. Particular attention is given to cases in which cash or property is seized at time of arrest. In addition, the project attorney provides legal advice to law enforcement personnel at pre-arrest strategy meetings on the subject of potentially forfeitable assets which may also have evidentiary value (e.g., computer equipment used by violators to help facilitate their growing and trafficking operations).

ONGOING COORDINATION

The project attorney works closely with the asset forfeiture attorney to coordinate all asset forfeiture cases undertaken by the office. The project attorney also regularly confers with the Sheriffs Marijuana Suppression Team on all cases which may present asset forfeiture potential. In addition, s/he maintains a similar level of liaison to achieve these objectives in cases referred by SCCNET

BASELINE DATA

Asset forfeiture data is maintained by the MSP prosecutor,

OBJECTIVE DA-3: Conduct forfeiture proceedings of marijuana cultivators and trafficker assets.

Activities:	Baseline Data 97/98	Projected 98/99
Supply the number of:		
1. forfeiture proceedings initiated;	<u>15</u>	<u>20</u>
2. forfeiture proceedings completed; and	<u>7</u>	<u>15</u>
3. forfeitures ordered (total dollar amount).	<u>\$61,287.40</u>	<u>\$40,000</u>

CURRENT EFFORTS

With regard to marijuana cultivation cases, the District Attorney's current training efforts are substantially limited to informal training provided during the course of our daily contacts with members of the Sheriff's Marijuana Suppression Team.

PROPOSED EFFORTS

The project attorney will complete a minimum of twelve hours of continuing legal education during the project year. In addition, s/he will receive specific training related to this initiative by attending an OCJP training conference and the state's Campaign Against Marijuana Planting (CAMP) conference.

The project attorney regularly provides in-service training to other prosecutors in the office relating to possible legal issues and appropriate dispositions in non-M'SP grant marijuana prosecutions and diversion cases.

The project attorney provides specific training in the areas of search and seizure law to members of the Sheriff's Marijuana Suppression Team. Most of this training is informally conducted during the investigation and prosecution of actual cases, and focuses on frequent problem areas such as exigent circumstance searches, the "open fields doctrine," and Miranda warnings.

CROSS-TRAINING WITH OTHER AGENCIES

As indicated above, the project attorney will attend OCJP and CAMP training conferences. These conferences are generally multi disciplinary in scope and will be attended by numerous other criminal justice agencies and components.

BASELINE DATA

The MSP prosecutor maintains this data in the District Attorney's Office.

OBJECTIVE DA-4:**Improve the prosecution of marijuana cases through specialized training.****Activities:****Baseline Data
97/98****Projected
98/99**

Supply the number of:

1.	personnel assigned to the project;	<u>1</u>	<u>1</u>
2.	training sessions <u>attended</u> by project staff;	<u>1</u>	<u>7</u>
3.	prosecutors trained;	<u>1</u>	<u>1</u>
4.	training hours received;	2 4	2 4
5.	training sessions <u>conducted</u> by project staff;	<u>2</u>	<u>2</u>
6.	instructor hours provided; and	<u>0</u>	<u> </u>
7.	cross-training sessions with other criminal justice agencies.	<u>1</u>	<u>1</u>

CURRENT EFFORTS

See below.

PROPOSED EFFORTS

The project attorney fully participates in all of the educational and awareness forums conducted by the law enforcement component. These will include but not be limited to, presentation at D.A.R.E. classes, program contributions during the Sheriffs "Media Days" and presentations at various community forums. See Objective LE-5 for a more complete narrative description of these activities.

BASELINE DATA

Records are kept by the MSP prosecutor.

OBJECTIVE DA-5: **Provide community education and awareness forums to the public on the dangers and myths of marijuana use.**

Activities:

**Projected
98/99**

Discuss the numbers and types of:

- | | | |
|----|---|----------|
| 1. | educational forums presented (to clubs, schools, fairs, utility companies, etc.)
and | <u>3</u> |
| 2. | press releases to media. | <u>1</u> |

BUDGET NARRATIVE

The project's proposed budget supports the objectives and activities in a variety of ways. The proposed budget requests funds for personnel and equipment that are needed in order to insure success at the enforcement level. The budget calls for two full time Deputy Sheriff's and one half time Deputy District Attorney for the twelve month grant period. The assigned personnel will work marijuana cases exclusively and their current positions will be filled by other employees.

The funds budgeted for equipment are being held awaiting possible supplemental grant funding. There is a need to replace the existing large grant truck. There will be insufficient funding in this grant to cover the high cost of the new truck. A vehicle purchase justification is included in this package.

Administrative costs have been kept to a minimum, with the exception of administrative overhead and audit costs that are recognized and accepted by OCJP. A total of 11% of the proposed project 'salary budget have been allocated for these costs. All other budget items have been earmarked for personnel and equipment expenditures.

Proposed funding will be used exclusively for marijuana enforcement. In order to prevent supplantation of funds, the two Deputy Sheriff's assigned to the grant program will work only marijuana related cases.

The half time Deputy District Attorney will only work on MSP cases and other grant related duties during the periods of time which he/she is funded by the grant. The Deputy District Attorney will also provide additional work hours as needed in support of grant objectives as an "in-kind" contribution by the County. Non-supplantation will be assured by time keeping records and other legal staff will be hired to assume the project attorney's other duties while he/she is working on the grant.

The two Deputy Sheriff's assigned to the grant program will be experienced investigators. The duties of the project funded Deputy Sheriff's will be the eradication of marijuana grown both indoors and outdoors. The two assigned Deputies will investigate identified marijuana traffickers. The Deputies will be responsible for the day to day operation of the marijuana enforcement program, including aerial observation, search warrant preparation and service, initiate asset forfeiture proceedings, provide community groups with marijuana awareness and information presentations and provide training to Sheriff's Office personnel and other local law enforcement agencies.

The two assigned Deputy Sheriff's will attend training seminars including the annual CNOA, OCJP and CAMP conferences.

The Deputy District Attorney assigned to the grant program will be an experienced felony trial attorney. The grant assigned attorney will assist the assigned Sheriff's Office personnel with search warrant preparation, asset forfeiture proceedings and community awareness presentations. The grant attorney will vertically prosecute all major marijuana offenders referred by the assigned Deputy Sheriff's. The assigned grant attorney will attend the annual OCJP, CAMP and CNOA conferences.

The Deputy District Attorney will be assigned to the program half time for the twelve month grant period. The grant attorney will be available to the assigned Deputies on a 24 hour a day basis for legal advice. The grant attorney will assist the two assigned Deputy Sheriff's with community presentations and will attend the above listed conferences on an in-kind basis. The grant attorney will keep accurate time keeping records to assure the District Attorney's Office grant commitment is met.

As of this writing we do not anticipate any subcontracts or unusual grant expenditures.

The salaries for the two assigned Deputy Sheriff's reflects a 19% increase- in their compensation package.

BUDGET CATEGORY AND LINE-ITEM DETAIL		
A. Personal Services-Salaries/Employee Benefits'	Pg 1 of 2	COST
SALARIES (District Attorney's Office)		\$85,590.00
Deputy District Attorney (half time 12 months) This attorney will be responsible for the prosecution of all marijuana cultivators and traffickers arrested by the two assigned Deputy Sheriff's.		
FY 97/98 Salaries and Benefits	\$43,435.00	
Salary:		
26 pay periods @ 31.96 (x) .50	\$33,238.00	
Admin. Leave 40 hours @ 31.96/hr	\$ 1,251.00	
Total Salary	\$34,516.00	
Benefits:		
PERS Retirement	\$ 4,415.00	
Medicare	\$ 2,640.00	
Insurance	\$ 1,864.00	
Total Benefits	\$ 8,919.00	
FY 98/99 Salaries and Benefits	\$42,155.00	
Salary:		
15 pay periods @ 33.62 (x) .50	\$20,172.00	
1 pay period @ 34.49 (x) .50	\$ 1,380.00	
9 pay periods @ 36.22 (x) .50	\$13,039.00	
Admin. Leave 40 hours @ 35.30/hr	\$ 1,412.00	
On-call Pay 492 hours @ 1.00/hr	\$ 492.00	
Total Salary	\$36,495.00	
Benefits:		
PERS Retirement	\$ 2,234.00	
Medicare	\$ 1,304.00	
Insurance	\$ 1,705.00	
State Bar Dues	\$ 417.00	
Total Benefits	\$ 5,660.00	
(Budget for FY 1997/98 and FY 98/99)		
TOTAL		continue to next page for totals

BUDGET CATEGORY AND LINE-ITEM DETAIL		
A. Personal Services-Salaries/Employee Benefits		COST
Pg 2 of 2		
SALARIES (Sheriffs Office) Deputy Sheriff (2) 7th step full time twelve months. The assigned deputy sheriff's are responsible for all activities as described in the proposal narrative.		\$277,133.00
FY 97/98 Salaries and Benefits		\$136,464.00
Salary:		
7 pay periods @ 22.05 (x) 2		\$ 24,904.00
19 pay periods @ 23.15 (x) 2		\$ 72,751.00
Detective Differential		\$ 4,667.00
Career Differential		\$ 3,917.00
Total Salaries		\$106,239.00
Benefits:		
PERS Retirement		\$ 21,006.00
Medicare		\$ 1,540.00
Insurance		\$ 7,679.00
Total Benefits		\$ 30,225.00
FY 98/99 Salaries and Benefits		\$140,669.00
Salary:		
26 pay periods @ 23.15 (x) 2		\$105,676.00
Detective Differential		\$ 5,284.00
Career Differential		\$ 3,994.00
Total Salaries		\$114,954.00
Benefits:		
PERS Retirement		\$ 11,714.00
OASDI		\$ 1,532.00
Insurance		\$ 12,469.00
Total Benefits		\$ 25,715.00
(Budget for FY 1997/98 and FY 98/99)		
N 97/98 Approved Funding \$179,899.00		\$362,723.00
TOTAL N 98/99 Requested Funding \$182,824.00		

BUDGET CATEGORY AND LINE-ITEM DETAIL		
B. Operating Expenses	Pg 1 of 2	COST
TRAVEL		\$ 9,416.00
FY 97/98 Travel	\$ 4,708.00	
A. OCJP Conference (2 days) (2 people)		
Registration	\$ 400.00	
Lodging	\$ 316.00	
Travel	\$ 240.00	
Per Diem	\$ 128.00	
B. CNOA Conference (4 days) (3 people)		
Registration	\$ 195.00	
Lodging	\$ 632.00	
Car Rental	\$ 180.00	
Travel	\$ 510.00	
Per Diem	\$ 180.00	
C. CAMP Conference (4 days) (3 people)		
Registration	\$ 300.00	
Lodging	\$ 316.00	
Car Rental	\$ 180.00	
Travel	\$ 510.00	
Per Diem	\$ 384.00	
FY 98/99 Travel	\$ 4,708.00	
A. OCJP Conference (2 days) (2 people)		
Registration	\$ 400.00	
Lodging	\$ 316.00	
Travel	\$ 240.00	
Per Diem	\$ 128.00	
B. CNOA Conference (4 days) (3 people)		
Registration	\$ 195.00	
Lodging	\$ 632.00	
Car Rental	\$ 180.00	
Travel	\$ 510.00	
Per Diem	\$ 180.00	
C. CAMP Conference (4 days) (3 people)		
Registration	\$ 300.00	
Lodging	\$ 316.00	
Car Rental	\$ 180.00	
Travel	\$ 510.00	
Per Diem	\$ 384.00	
(Budget for FY 1997/98 and FY 98/99)		
TOTAL		continue to next page for totals

BUDGET CATEGORY AND LINE-ITEM DETAIL		
B. Operating Expenses	Pg 2 of 2	COST
Operating Expenses continued from page 1		
INDIRECT COSTS		\$ 24,696.00
FY 97/98 Indirect Costs	\$ 12,348.00	
Administrative Overhead	\$ 9,848.00	
This cost is based on 5% of the total grant minus equipment costs.		
Audit Expense (flat rate fee)	\$ 1,500.00	
Confidential Funds	\$ 1,000.00	
These funds will be expended pursuant to the grant guidelines for Confidential Funds.		
FY 98/99 Indirect Costs	\$ 12,348.00	
Administrative Overhead	\$ 9,848.00	
This cost is an estimate based on the prior year expenditure.		
Audit Expense (flat rate fee)	\$ 1,500.00	
Confidential Funds	\$ 1,000.00	
These funds will be expended pursuant to the grant guidelines for Confidential Funds.		
(Budget for FY 1997/98 and FY 98/99		
FY 97/98 Approved Funding	\$ 17,056.00	\$ 34,112.00
TOTAL FY 98/99 Requested Funding	\$ 17,056.00	

BUDGET CATEGORY AND LINE-ITEM DETAIL				
C. Equipment				COST
Equipment (vehicle replacement)				\$ 38,865.00
FY 97/98			\$20,895.00	
1. Vehicle			\$18,795.00	
One mid-size 4x4 truck consistent with law enforcement parameters.				
2. Winch for vehicle			\$ 1,300.00	
3. Camper shell for vehicle			\$ 800.00	
FY 98/99			\$17,970.00	
1. Vehicle			\$17,970.00	
The amount shown in this budget item is being held contingent on additional funding to replace the existing grant authorized full-size 3/4 ton truck. A supplemental grant request of \$18,000.00 will be submitted to meet this need.				
(Budget for FY 1997/98 and FY 98/99)				
CATEGORY TOTAL	FY 97/98 Approved Funding	\$20,895.00		\$ 38,865.00
	FY 98/99 Requested Funding	\$17,970.00		
PROJECT TOTAL	FY 97/98 Approved Funding	\$217,850.00		\$435,700.00
	FY 98/99 Requested Funding	\$217,850.00		
Fund Distribution	Federal	State	Cash Match	In-Kind Match
1. Amount of Funds				
2. Percentage of Funds				

3. IMPLEMENTATION

a. Organizational Description:

Members of the Anti-Drug Abuse Steering Committee include members of the County Law Enforcement Agencies Chief's Association. The Sheriff, the District Attorney and the Chief Probation Officer are included as members of this organization.

The MSP grant shall be coordinated at the policy level by those individuals, in conjunction with the general oversight of drug enforcement operations occurring in each of the committee member's jurisdictions.

In addition, the Sheriff and the District Attorney will jointly consider, no less than once a month, the overall operation of the MSP program. The Sheriff and the District Attorney will examine any specific issues that may arise at the operating level.

The Sheriff's Office will be the implementing agency for the MSP grant. The Sheriff's Office has 140 sworn personnel and over 320 employees. The Sheriff is the chief law enforcement officer in the County. The Sheriff's Office has three chiefs, eight lieutenants and 24 Sergeants. There are three Bureaus within the Office. These Bureaus are Operations, Administration and Detention.

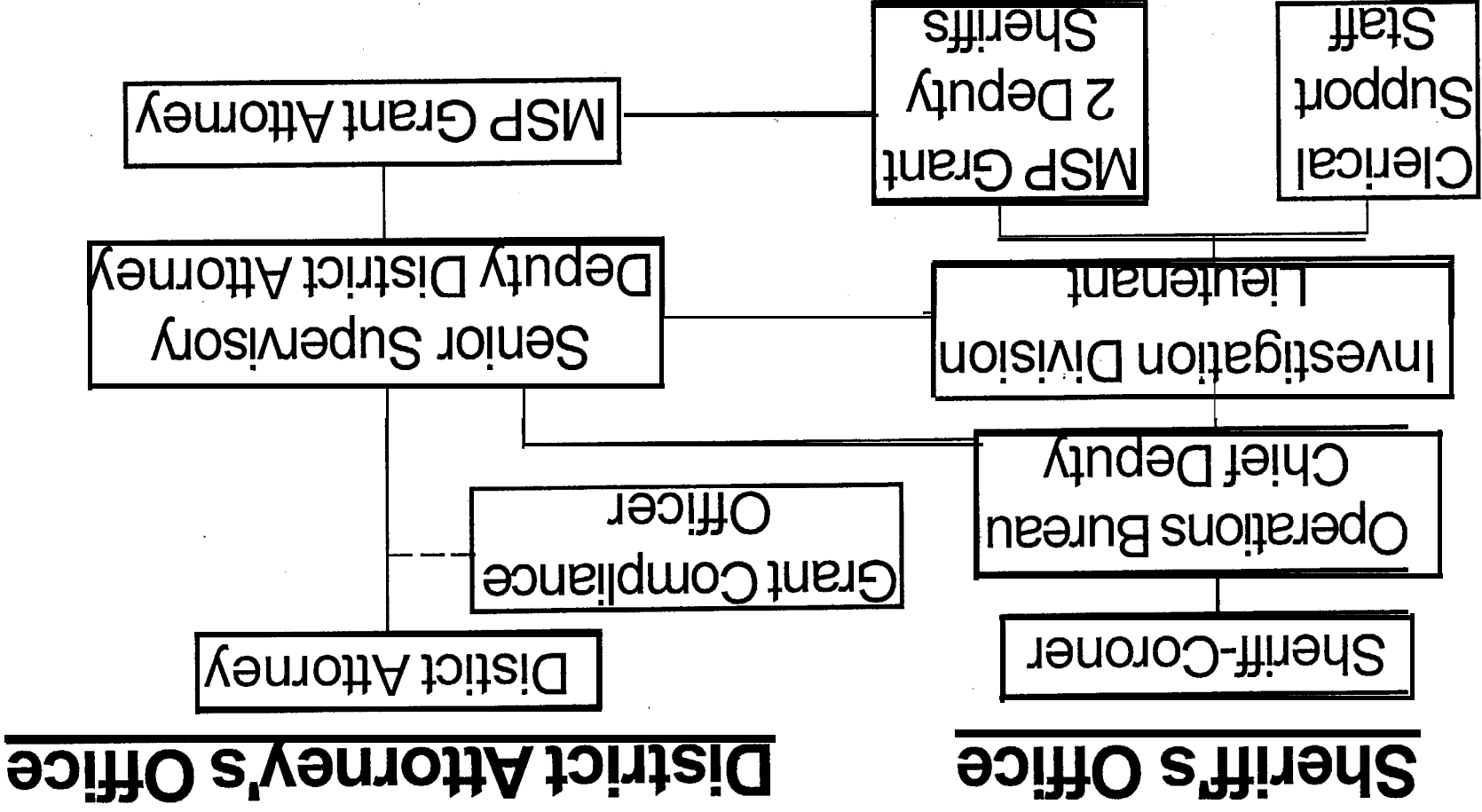
The MSP program will work within the Investigations Division of the Operations Bureau. The MET team will not be assigned to or affiliated with the County Narcotics Enforcement Team. The two MSP Deputies will be supervised by an Investigations Sergeant, who will report to the Investigations Division Commander. The Investigations Commander will be supervised by the Operations Bureau Chief, who will report to the Sheriff.

The grant assigned Deputy District Attorney will be supervised by the District Attorney's Office Chief Deputy of Operations. The District Attorney's Office Chief Deputy of Operations will report to the District Attorney. The District Attorney's Office will assign a Deputy District Attorney to the position of the MSP Grant Compliance Officer

The only grant funded positions involved with this program will be the two full time MSP Deputies and the 50% funded Deputy District Attorney. All secretarial and administrative assistance will be provided on an "in kind" basis.

OPERATIONAL CHART

Santa Cruz County



Operational Agreement

MARIJUANA SUPPRESSION PROGRAM

The County of Santa Cruz has applied to the State of California Office of Criminal Justice Planning for grant funding to support a project entitled "Marijuana Suppression Program". This Operational Agreement, entered into in connection with the application, documents the intention of its signatories to cooperate towards the mutual goal of apprehending and prosecuting those individuals who are involved with the cultivation, distribution and sales of marijuana.

The following individuals are hereby designated as principals in the execution of the above mentioned project.

Mark Tracy
Sheriff/Coroner
Santa Cruz County

Arthur Danner, III
District Attorney
Santa Cruz County

The activities specified in the "Program Strategies, Objectives, and Activities" section of the attached grant application are hereby incorporated into this Agreement, and are considered binding upon the signatories to this Agreement. The following is offered in summation.

1. The Santa Cruz County Sheriff's Office

This agency will be responsible for the law enforcement field operations and the day to day supervision and management of the program. The Operations Chief Deputy will assure compliance with all legal and programmatic requirements of an operation. nature, and will be responsible for the achievement of the performance goals described in this application.

Additionally while providing the investigative and enforcement personnel for this grant, this agency will be generally responsible for providing administrative support to the project. Specific duties include but are not limited to: monitoring project operations; facilitating support in the area of enforcement, investigation and clerical personnel, financial management and equipment acquisition.

It will be the responsibility of this agency for all reporting requirements of this grant.

The Operations Chief Deputy will be responsible to insure open and continual communications with the District Attorney's Office. This communication link will provide for a coordinated enforcement prosecution effort.

2. The Santa Cruz County District Attorney's Office

This agency will assign one Deputy District Attorney with felony trial experience to the Marijuana Suppression unit half

time for the twelve month grant period. It will be the responsibility of this project attorney to pursue the prosecution component program objectives listed in the grant. The project attorney's responsibilities as a member of the Marijuana Suppression unit will be to participate in the investigation of all major marijuana cultivation and trafficking cases generated by the Marijuana Suppression unit and other County law enforcement agencies.. The project attorney will be available during working hours to the Marijuana Suppression unit and carry a pager during non-working hours so as to be available at the initial stage of an investigation to provide legal assistance for the charges or any other legal issues.

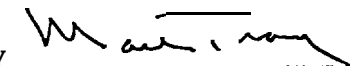
In addition, the project attorney's primary responsibilities will be the vertical prosecution of all major marijuana cultivation and trafficking cases. When scheduling does not permit vertical prosecution the attorney will be responsible for supervising the cases and managing the best possible conviction and sentence in each one. Specialized services provided by the project attorney will include training in search and arrest warrant preparation, investigative and arrest strategies and legal update. The attorney will also assist other members of the Marijuana Suppression team in presenting community training and public information. Specialized training will also be given by the project attorney to other attorney's in the District Attorney's Office to improve the prosecution of marijuana cases.

The project attorney will seek cross-designation in federal court and/or establish a working liaison with the U.S. Attorney's Office to facilitate asset forfeiture proceedings in marijuana cultivation and trafficking cases in order to secure quicker resolutions with greater amounts of assets forfeited.

The project attorney will report directly to the Operations Chief Deputy District Attorney. They will meet monthly in order to monitor the progress on the achievement of the program objectives. The Operations Chief Deputy District Attorney will meet quarterly with the Sheriff's Office Operations Chief Deputy to monitor the effectiveness of communications and assure that the objectives of the grant are being met.

Executed at Santa Cruz, California on this 15th day of May, 1998.

BY



Mark Tracy
Sheriff-Coroner
Santa Cruz County

By



Arthur Danner, III
District Attorney
Santa Cruz County

ATTACHMENT A

CONFIDENTIAL FUNDS JUSTIFICATION

Although we anticipate locating a majority of our outdoor marijuana cultivations via aerial reconnaissance, we have found it necessary to locate indoor marijuana cultivations and investigate marijuana traffickers with the use of informants.

Most informants we encounter request money in exchange for the information they provide. To this end, in order to insure the program's success we are requesting \$1,000.00 for confidential funds in this grant proposal.

These funds will be used to pay informants for marijuana related information and for personnel assigned to the project to purchase marijuana in an undercover capacity.

Because of budgetary shortfalls, confidential funds have either been insufficient or non-existent for our program. To this end, this request is vital to the success of this grant proposal.

The integrity of the program will be assured on several levels. To insure the integrity of the program the Program Manager will pre-approve all confidential fund expenditures. All confidential fund expenditures will be witnessed by at least two Sheriff's Office employees. Strict accounting procedures of the confidential fund will be conducted by the Program Manager. The Program Manager will review the status of the confidential fund monthly and audit the fund yearly.

The Project Director has read all OCJP guidelines and policies and assures they will be strictly adhered to (for further see certification letter).

ATTACHMENT B

VEHICLE PURCHASE JUSTIFICATION AND SPECIFICATIONS

In order to meet the objectives and goals set forth in this grant proposal, the Santa Cruz County Sheriff's Office is applying for one full size, four-wheel drive truck. This vehicle will allow the assigned Deputy Sheriff's to travel to remote locations throughout Santa Cruz County.

Past eradication efforts within our County have revealed that the success of the program is directly linked to the ability of personnel and equipment to reach remote and rural locations of the illegal marijuana gardens.

In the past, the Santa Cruz County Sheriff's Office has used two trucks to transport seized marijuana, personnel and equipment from remote marijuana gardens. One of the trucks was purchased with MSP monies awarded in 1996.

The truck purchased with MSP money in 1996 is in it's third year and has been quite beneficial to our program. Due to the nature of marijuana eradication this truck has seen extraordinary hard mileage during it's use. We project that it will have reached the end of useful service following this CAMP season.

Due to budgetary constraints, the Sheriff's Office is unable to purchase a new truck this year. Further, financial forecasts for future years do not appear promising and the purchase of a new truck for the Marijuana Enforcement Team appears to be unfavorable.

The need for a truck is essential to our efforts. Our eradication efforts are typically conducted simultaneously with two or more teams in the field at different marijuana garden sites. The truck is needed to transport seized marijuana and equipment from the marijuana gardens to our facilities.

The truck that is needed will be forced to stand up to the day to day rigors of off road driving. Due to rugged terrain, the truck must be a standard "work truck" type of package and have four-wheel drive capabilities. The vehicle must be able to transport personnel, as well as marijuana and equipment.

The cost of this vehicle may differ depending on what source is able to provide our office with the proper vehicle at the best price. The following is an estimate of the cost of the prospective truck based on the above mentioned criteria and the below noted specifications/accessories.

VEHICLE PURCHASE JUSTIFICATION AND SPECIFICATIONS

PROPOSED VEHICLE

- a. full size 3/4 ton truck
- b. four wheel drive (on the fly system)
- c. 4.8 liter/V-8 engine
- d. skid plate
- e. tow package
- f. power windows
- g. power steering
- h. extra cab feature with rear bench seat/three door option
- i. air conditioning
- j. heavy duty drive train and suspension
- k. heavy duty engine and transmission cooling systems
- l. bed liner

Total \$35,000.00



U.S. Department of Justice
Drug Enforcement Administration

Washington, D. C. 20537

Agreement Number: 98-26

AGREEMENT

This agreement is entered between the **SANTA CRUZ COUNTY SHERIFF'S DEPARTMENT** hereinafter referred to as the **SCCSD** and the **DRUG ENFORCEMENT ADMINISTRATION OF THE UNITED STATES DEPARTMENT OF JUSTICE**, hereinafter referred to as **DEA**, with a reference to the following:

There is evidence that trafficking in controlled substances exists and that such illegal activity has a substantial and detrimental effect on the health and general welfare of the people of the State of **CALIFORNIA**. The parties hereto agree that it is to their mutual benefit to cooperate in locating and eradicating illicit cannabis plants and in the investigation and prosecution of cases before the courts of the United States and the courts of the State of **CALIFORNIA** involving controlled substances. The **DEA**, pursuant to the authority of 21 USC 873, proposes to provide certain necessary funds and the **SCCSD** is desirous of securing funds.

NOW, therefore, in consideration of the mutual covenants hereinafter contained, the parties hereto have agreed as follows:

1. The **SCCSD**, will, with its own law enforcement personnel and employees, as hereinafter specified, perform the activities and duties described below:

- A. Gather and report intelligence data relating to the illicit possession and distribution of marijuana.
- B. Investigate and report instances involving the trafficking in controlled substances.

- C. Provide staffing of law enforcement personnel for the eradication of illicit marijuana located within the State of **CALIFORNIA**.
- D. Arrest and bring to prosecution defendants charged with violation of the controlled substance laws.
- E. Send required samples of eradicated marijuana to the NIDA marijuana Potency Monitoring Program.

It is understood and agreed by the parties to this agreement that the activities described in sub-paragraphs A, B, C, D, and E above, shall be provided with the existing personnel and that the scope of the SCCSD program with respect to those activities by such personnel, shall be solely at the SCCSD discretion, subject to appropriate limitations contained in the budget adopted by the SCCSD.

2. DEA will pay to the SCCSD the amount of **THIRTY FIVE THOUSAND DOLLARS (\$35,000)** for the period of JANUARY 1, 1998 TO DECEMBER 31, 1998 to defray the cost relating to the eradication and suppression of illicit marijuana. It is explicitly understood and agreed that Federal funds provided to the SCCSD under this agreement may not be used to defray costs relating to herbicidal eradication of marijuana without the advance written consent of DEA.

The expenses shall include payment of deputies'/officers' overtime, salary and overtime of reserve officers during the period of time they are engaged in the eradication process, and per diem as appropriate, as well as other direct costs such as purchases of expendable equipment, rental of equipment and vehicles, and fuel for vehicles and aircraft and minor repairs and maintenance necessitated by their use. These funds shall not be used for the purchase of non-expendable equipment defined as property having a useful life of more than one year and all purchases with an acquisition cost of \$300 or more per unit or an aggregate cost of \$2,000 must have verbal approval from the DEA DEC/SP Coordinator. In the event DEA approves the purchase of non-expendable equipment that costs \$2,000 or more per unit for the use by the SCCSD personnel pursuant to this Agreement, DEA may elect to claim DEA ownership of this equipment at the end of the period of this Agreement, or DEA may at its discretion, allow the SCCSD to retain ownership of the equipment for its future use in accordance with applicable federal rules and regulations.

Payment by DEA to the SCCSD will be in accordance with a schedule determined by DEA and said payment will be made pursuant to the execution by the SCCSD of a Standard Form SF-270, Request for Advance or Reimbursement, and receipt of same by DEA. However, no funds will be paid by DEA to a state/county agency under this Agreement until DEA has received to its satisfaction an accounting of the expenditures of all funds paid to this state/county agency during the periods of previous Agreements for this same purpose. These expenditures

will be reported on a Standard Form SF-269, Financial Status Report, or equivalent document.

3. Employees of the **SCCSD** shall at no time be considered employees of the United States Government or the Drug Enforcement Administration for any purpose, nor will this Agreement establish an agency relationship between the **SCCSD** and the Drug Enforcement Administration.

4. The **SCCSD** shall maintain complete and accurate reports, records and accounts of all obligations and expenditures of DEA funds under this Agreement in accordance with generally accepted accounting principle and in accordance with State laws and procedures for expending and accounting for its own funds. The **SCCSD** shall further maintain its records of all obligations and expenditures of DEA funds under this Agreement in accordance with all instructions provided by DEA to facilitate on-site inspection and auditing of such records and accounts.

5. The **SCCSD** shall permit and have available for examination and auditing by DEA, the United States Department of Justice or the Comptroller General of the United States, or any of their duly authorized agents and representatives, any and all investigative reports, records, documents, accounts, invoices, receipts or expenditures relating to this Agreement. In addition, the **SCCSD** will maintain all such foregoing reports and records until all audits and examinations are completed and resolved, or for a period of three (3) years after termination of this Agreement, whichever sooner.

6. The recipient agrees to comply with the organizational audit requirements of OMB Circular A-128, "Audits of State and Local Governments." In conjunction with the beginning date of the award, the audit report period of the state or local government entity to be audited under the single audit requirement is (1/98) to (12/98). The audit report must be submitted no later than (1/00) and each audit cycle thereafter covering the entire award period as originally approved or amended. The management letter must be submitted with the audit report. Subsequent audits must be submitted no later than thirteen (13) months after the close of the recipient organization's audited fiscal year. The submission of the audit report shall be as follows:

When the Department of Justice (DOJ) is the cognizant agency:

An original and one copy of the audit report shall be sent to:

DOJ Regional Inspector General for Audit
San Francisco regional Audit Office
525 Market Street, Suite 3522
San Francisco, California 94105
415-974-0993

A copy of your audit transmittal letter addressed to the Regional Inspector General, shall be sent to:

Audit Services
Office of the Controller
Office of Justice Programs
633 Indiana Avenue, N.W., Room 942
Washington, D.C. 20531

When DOJ is not the cognizant agency:

An original and one copy of the audit report shall be sent to the cognizant agency:

Also, a copy of the audit report shall be sent to:

DOJ Regional Inspector General for Audit
San Francisco regional Audit Office
525 Market Street, Suite 3522
San Francisco, California 94105
415-974-0993

A copy of your audit transmittal letter addressed to the Regional Inspector General, shall be sent to:

Audit Services
Office of the Controller
Office of Justice Programs
633 Indiana Avenue, N.W., Room 942
Washington, D.C. 20531

The recipient agrees to submit their corrective action plan with the audit report to the DOJ Regional Inspector General for Audit, when there are findings/recommendations disclosed in the audit report. The corrective action plan should include: (1) specific steps taken to comply with the recommendations; (2) timetable for performance and/or implementation date for each recommendation; and (3) description of monitoring to be conducted to ensure implementation.

A Department of Justice Order requires the Office of Justice Programs (OJP) to maintain a data base of all grants made by DOJ components. DOJ Order 2900.8A (June 20, 1990) copy attached). To implement this requirement, OJP requires all DOJ components to submit to it a completed form, "Grantee Information for Access, a copy of which is attached, for completion by the recipient.

The recipient acknowledges that failure to furnish an acceptable audit as determined by the cognizant Federal agency may be a basis for denial of future Federal funds and/or refunding of Federal funds and may be a basis for limiting the recipient to payment by reimbursement on a case basis.

7. Executive Order 12549

The participant agrees that an authorized officer or employee will execute and return to the DEA State and Local Programs Section, Washington, D.C. 20537, the attached OJP Form 4061/3, "Certification Regarding Lobbying; Debarment, Suspension, and other Responsibility Matters; and Drug Free Workplace Requirements." The participant acknowledges that this agreement will not take effect and that no Federal funds will be awarded by DEA until the completed certification is received.

8. Disclosure of Federal Participation

In compliance with Section 623 of Public Law 102-141, the recipient agrees that no amount of this Award shall be used to finance the acquisition of goods or services (including construction services) for the Project unless the recipient:

- (a) specifies in any announcement of the awarding of the contract for the procurement of the goods and services involved (including construction services) the amount of Federal funds that will be used to finance the acquisition; and
- (b) expresses the amount announced pursuant to paragraph (a) as a percentage of the total cost of the planned acquisition.

The above requirements only apply to a procurement for goods or services (including construction services) that have an aggregate value of \$500,000 or more.

9. It is further covenant and agreed that the SCCSD will hold the DEA, its agents and employees and the United States Government harmless from any and all claims, demands, suits, liabilities and cases of action, of whatever kind and designation, and where-ever located in the State of CALIFORNIA, resulting from the Domestic Cannabis Eradication/Suppression Program funded by DEA. The DEA acknowledges that the United States is liable for the wrongful or negligent acts or omissions of its officers and employees while on duty and acting within the scope of their employment to the extent permitted by the Federal Tort Claims Act, 28 USC Sections 1346(b), 2671, et seq.

10. The SCCSD will comply with Title VI of the Civil Rights Act of 1954 and with section 504 of the Rehabilitation Act of 1973, as amended, and with all requirements imposed by or pursuant to the regulations of the Department of Justice (28 CFR Part 42, Subparts C, D, and G) issued to those Acts relating to discrimination on the grounds of race, color, creed, sex, age, national origin or handicap and to equal employment opportunities.

11. Within sixty (60) days after termination of the Agreement, the SCCSD will prepare SF-269, Financial Status Report, itemizing the breakdown of final expenditures. This SF-269, along with a refund check for any unexpended funds which were advanced by DEA, pursuant to this Agreement, will be returned to DEA.

12. Upon submission of the SF-269 to State and Local Programs Section (DOS) for the preceding year, a copy of the general ledger and the underlying supporting documentation reflecting the expenditures for equipment in excess of \$2,000 and the expenses associated with the rental or leasing of vehicles or aircraft must be attached.

13. The duration of this Agreement shall be as specified in Paragraph 2. The terms of this Agreement may be terminated by either party for good cause shown by notice in writing given to the other party thirty (30) days prior thereof. All obligations that are outstanding on the above prescribed termination date or on the date of any thirty (30) day notice of termination shall be liquidated by SCCSD within sixty (60) days thereof, in which event DEA will only be liable for obligations incurred by the SCCSD during the terms of this Agreement. In no event shall the SCCSD incur any new obligations during the period of notice of termination. The SCCSD shall return to DEA all unexpended funds forthwith after the sixty (60) days liquidated period.

THE STATE OF CALIFORNIA

By Maureen

Shirley - Coover

Title

Date 2-24-98

DRUG ENFORCEMENT ADMINISTRATION

By Michele Bonhask

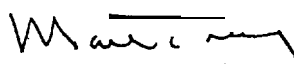
Special Agent in Charge

Date 2/12/98

*DEA ACCOUNTING DATA: _____

DEA/FFS INPUT ON _____ BY _____

_____*DIVISIONAL FISCAL CLERK MUST INPUT INTO DEA/FFS

REQUEST FOR ADVANCE OR REIMBURSEMENT		Approved by Office of Management and Budget. No. 80-R0183		PAGE OF PAGES	
(See instructions on back)		1. TYPE OF PAYMENT REQUESTED <input checked="" type="checkbox"/> ADVANCE <input type="checkbox"/> REIMBURSEMENT b. "X" the applicable box <input type="checkbox"/> FINAL <input type="checkbox"/> PARTIAL <input type="checkbox"/> ACCRUAL		2. BASIS OF REQUEST <input type="checkbox"/> CASH	
3. FEDERAL SPONSORING AGENCY AND ORGANIZATIONAL ELEMENT TO WHICH THIS REPORT IS SUBMITTED DRUG ENFORCEMENT ADMINISTRATION		4. FEDERAL GRANT OR OTHER IDENTIFYING NUMBER ASSIGNED BY FEDERAL AGENCY 98-26		5. PARTIAL PAYMENT REQUEST NUMBER FOR THIS REQUEST	
6. EMPLOYER IDENTIFICATION NUMBER 946000534	7. RECIPIENT'S ACCOUNT NUMBER OR IDENTIFYING NUMBER N/A	8. PERIOD COVERED BY THIS REQUEST FROM (month, day, year) January 1, 1998		TO (month, day, year) December 31, 1998	
9. RECIPIENT ORGANIZATION Name : N/A Number and Street : City, State and ZIP Code:		10. PAYEE (Where check is to be sent is different than item 9) California Santa Cruz County Sheriff's Office Name : C/O DEA 1860 Howe Avenue, Suite 250 Sacramento, CA 95825 Number and Street : City, State and ZIP Code:			
11. COMPUTATION OF AMOUNT OF REIMBURSEMENTS/ADVANCES REQUESTED					
PROGRAMS/FUNCTIONS/ACTIVITIES ►		(a)	(b)	(c)	TOTAL
a. Total program outlays to date (As of date)		\$ 35,000	\$	\$	\$ 35,000
b. Less: Cumulative program income					
c. Net program outlays (line a minus line b)		35,000			-35,000
d. Estimated net cash outlays for advance period					
e. Total (Sum of lines c & d)		35,000			35,000
f. Non-Federal share of amount on line e					
g. Federal share of amount on line e		35,000			35,000
h. Federal payments previously requested					
i. Federal share now requested (Line g minus line h)		35,000			35,000
j. Advances required by month, when requested by Federal grantor agency for use in making prescheduled advances		1st month	35,000		35,000
		2nd month			
		3rd month			
12. ALTERNATE COMPUTATION FOR ADVANCES ONLY					
a. Estimated Federal cash outlays that will be made during period covered by the advance					\$
b. Less: Estimated balance of Federal cash on hand as of beginning of advance period					
c. Amount requested (Line a minus line b)					\$
13. CERTIFICATION					
I certify that to the best of my knowledge and belief the data above are correct and that all outlays were made in accordance with the grant conditions or other agreement and that payment is due and has not been previously requested.		SIGNATURE OF AUTHORIZED CERTIFYING OFFICIAL  TYPED OR PRINTED NAME AND TITLE Mark Tracy Sheriff-Coroner			DATE REQUEST SUBMITTED 2-24-98 TELEPHONE (AREA CODE, NUMBER, EXTENSION) (408) 454-3019

This space for agency use