



County of Santa Cruz

SHERIFF - CORONER

701 OCEAN STREET, SUITE 340, SANTA CRUZ, CA 95060

(831) 454-2985 FAX: (831) 454-2353

MARK TRACY
SHERIFF - CORONER

April 6, 1999

Agenda: April 27, 1999

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

Dear Members of the Board:

The Sheriff's Office is requesting approval from the Board to apply for \$250,000.00 of Marijuana Suppression Program funds for FY 1999/2000. The 1998 Marijuana Suppression Program year end report is finished and was distributed on 04-09-99.

As the Board is aware there are two sources of funds available to the Sheriff's Office to support marijuana eradication efforts. The Cannabis Eradication Program has been part of the Sheriff's Office budget for a number of years and generally is used to pay for overtime costs. The Marijuana Suppression Program funds are used to pay for personnel and operating expenses. The Sheriff's Office is currently in its third year of this grant.

This year the Cannabis Eradication Program funds have been re-authorized at a total of \$24,500.00 by the United States Department of Justice Drug Enforcement Administration. This is a reduction of \$10,500.00 from FY1998/99. These funds are allocated to the County without the submission of a formal grant proposal or resolution.

The County was selected for a three year Marijuana Suppression Program grant in 1996. The third year of the grant will end on 06-30-99. The State Office of Criminal Justice Planning has informed the Sheriff's Office that funds to support this program will, once again be available from the Federal Edward Byrne Memorial State and Local Law Enforcement Assistance Program. The Sheriff's Office is requesting a grant award of \$250,000.00 for FY1999/2000. This is an increase of \$32,150.00 from last year. The increase will offset the \$10,500.00 reduction of Cannabis Eradication Program funds and

MOU pay increases of the assigned personnel. The increase will also pay for a top step level IV Deputy District Attorney, rather than a level III (as in past years).

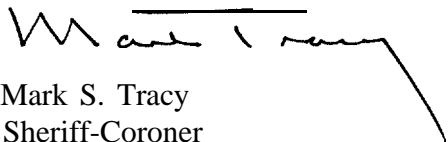
The Sheriff's Office Marijuana Enforcement Team will follow established protocols when investigating medical marijuana cases. By agreement with the Board the Sheriff's Office will use helicopters no more than 60 flight hours during marijuana eradication and reconnaissance operations during FY 1999/2000. The Sheriff's Office has used 28 hours of helicopter flight time during FY 1998/99. The program will be the same as previous years with two full time deputy sheriffs and one halftime deputy district attorney assigned to the grant.

Revenue and expenditure appropriations for both the Cannabis Eradication Program and Marijuana Suppression Program grants will be contained in the proposed FY 1999/2000 budget request.

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

1. Accept and file report of the Sheriff's Office 1998 report on Marijuana Suppression Program activities.
2. Approve the renewal of the Cannabis Eradication Program grant in the amount of \$24,500.00 for FY1999/2000 from the Drug Enforcement Administration.
3. Approve an application and resolution for the Sheriffs Office to receive \$250,000.00 of Marijuana Suppression Program funds from the State Office of Criminal Justice Planning.

Very truly yours,



Mark S. Tracy
Sheriff-Coroner

RECOMMENDED:



SUSAN A. MAUREILLO
County Administrative Officer

BEFORE THE BOARD OF SUPERVISORS
OF THE COUNTY OF SANTA CRUZ, STATE OF CALIFORNIA

RESOLUTION NO.

On the motion of Supervisor
Duly seconded by Supervisor

the following resolution is adopted:

RESOLUTION AUTHORIZING THE SHERIFF-CORONER TO APPLY AND ACCEPT FUNDS DURING FISCAL YEAR 1999-2000 FOR MARIJUANA SUPPRESSION PROGRAM GRANT AND CANNABIS ERADICATION PROGRAM GRANT.

WHEREAS, the Board of Supervisors of Santa Cruz County desires to apply to the Office of Criminal Justice Planning (hereafter referred to as OCJP) to fully fund the project designated as the Marijuana Suppression Program and to accept \$24,500.00 from the United States Department of Justice Drug Enforcement Administration for marijuana related overtime expenditures.

NOW, THEREFORE, BE IT RESOLVED AND ORDERED that the Sheriff-Coroner of the County of Santa Cruz is authorized, on its behalf, to submit the application for state funds for the Marijuana Suppression Program grant to the Office of Criminal Justice Planning and to receive \$24,500.00 from the Drug Enforcement Administration. The Sheriff-Coroner is authorized to execute on behalf of the Board of Supervisors of the County of Santa Cruz, a grant application together with the Marijuana Suppression Program Mission Statement, attached hereto and made an integral part of the grant application proposal by reference, including any extensions or amendments thereof.

BE IT FURTHER RESOLVED AND ORDERED that grant funds received hereunder shall not be used to supplant expenditures controlled by this body.

IT IS AGREED that any liability arising out of the performance of this Grant Award Agreement, including civil court actions for damages, shall be the responsibility of the grant recipient and the authorizing agency. The State of California and the Office of Criminal Justice Planning disclaim responsibility for any such liability.

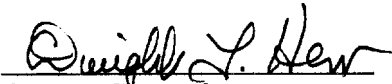
PASSED AND ADOPTED by the Board of Supervisors of the County of Santa Cruz, State of California this _____ day of _____, 1999 by the following vote:

AYES:	SUPERVISORS
NOES:	SUPERVISORS
ABSENT:	SUPERVISORS
ABSTAIN:	SUPERVISORS

Chairperson of the Board of Supervisors

ATTEST: _____
Clerk of the Board

APPROVED AS TO FORM:



County Counsel

DISTRIBUTION:

1998 SHERIFF'S OFFICE MARIJUANA ENFORCEMENT TEAM YEAR END SUMMARY

Marijuana cultivation and trafficking in Santa Cruz County continues to be an ongoing community problem. The Sheriff's Office has seen a number of different trends evolve over the past several years. During the 1998 calendar year, the number of marijuana plants seized from outdoor marijuana gardens decreased, while the number of marijuana plants seized from indoor cultivation cases increased. This can be explained by a number of factors including reduced helicopter flight time and developed expertise with indoor marijuana cultivation cases.

Two years ago, Sheriff Tracy agreed to reduce helicopter flight time used by the Marijuana Enforcement Team to 60 hours per fiscal year. In 1998 the Marijuana Enforcement Team flew 28 hours while conducting marijuana eradication and reconnaissance. The Sheriff's Office provided the Auditors Office with quarterly reports documenting the flight hours that were used.

Two Sheriff's Deputies and one halftime Deputy District Attorney were funded by the MSP (Marijuana Suppression Program) grant through the State Office of Criminal Justice Planning to conduct marijuana investigations and prosecutions. This year completed the second year of the State funding and began the third year of the grant cycle. The United States Department of Justice Drug Enforcement Administration provided the Sheriff's Office with \$35,000.00, which paid for overtime costs accrued during marijuana investigations.

The Compassionate Use Act of 1996 (medical marijuana) has not impacted the marijuana enforcement program. In 1998 the Marijuana Enforcement Team investigated one case that was determined to be a legitimate medical claim. The investigating deputies are instructed to follow a Sheriffs Office protocol when a medical cases arises. This protocol includes determining the nature of the patient's illness and obtaining the name of the treating physician. If the amount of marijuana found in the patient's possession is for personal use, then the deputies take a small, random sample of one of the marijuana plants and write a report documenting the incident. The marijuana plants and any associated equipment are left with the patient.

The following is a case by case summary of the Marijuana Enforcement Team's activities for 1998:

<u>DATE</u>	<u>CASE#</u>	<u>PLANTS</u>	<u>INDOOR</u>	<u>PLANTS</u>	<u>OUTDOOR</u>	<u>LOCATION</u>
01-14	98-00442	218				Greenview, B.C.
01-21	98-00713	251				Visitar, Felton
01-26	98-00914	60				Fairview, B.C.
03-04	98-02355	583				El Sereno, Aptos
03-24	98-03151	330				Cliff Dr., Aptos
04-07	98-03695	10				Vista Mar, Aptos
04-15	98-03996			8		Freedom Blvd.
04-2 1	98-04248	18				Laguna, S.C.
04-23	98-04334	177				Cedar St., S.C.
04-27	98-04469	116		54		Paul Sweet, S.C.
04-28	98-045 12			83		Carbonera, S.C.
04-29	98-04540	30				Wilkes Circ., S.C.
05-20	98-05370	33				Centennial, S.C.
05-20	98-05370	54		15		National, S.C.
06-03	98-05985			120		Bear Creek, B.C.
06-09	98-06229			69		Bear Creek, B.C.
06-16	98-06574			57		North Coast
06-19	98-06686	212				Davenport
06-26	98-06985	887				Villa Glen, S.V.
06-30	98-07224			9		summit
07-01	98-07223			500		Bear Creek

<u>DATE</u>	<u>CASE#</u>	<u>PLANTS</u>	<u>INDOOR</u>	<u>PLANTS</u>	<u>OUTDOOR</u>	<u>LOCATION</u>
07-09	98-07523			7		Lompico
07-10	98-07547	63				Fox Ct., S.V.
07-18	98-07885			9		Conference, S.V.
07-27	98-08201			2		36th Ave., S.C.
07-30	98-083 14			1		Hawthorne, Wats.
08-05	98-08563	13				Tierra Alta, Wats.
08-05	98-08582			50		Branciforte, S.C.
08-06	98-08636			12		Soquel
08-07	98-0875 1			40		North Coast
08-13	98-08902			2		Olive St., S.C.
08-18	98-09107			19		Meredith, Wats.
08-19	98-09140			1		Bockius, Wats.
08-24	98-09348			4		summit
08-24	98-09349			1,560		summit
08-25	98-09378	10		10		Granite Creek
08-25	98-093 87			10		Skyline Blvd.
08-25	98-09373			6		Big Basin, B.C.
08-25	98-09379			21		Soquel
08-26	98-094 15			4		Mt. Bocci
08-26	98-09416			60		Mt. Bocci
08-26	98-09417			44		High. 129, Wats.
08-26	98-09418			29		High. 129, Wats.
08-27	98-09485			20		North Coast
08-3 1	98-09654			20		North Coast
09-02	98-09752			215		High. 129
09-03	98-09798			30		Bear Creek
09-2 1	98-10523			10		Lake Blvd., Felton
09-22	98-10552	569				Hillcrest, B.L.
09-25	98-10653	12				La Selva, Aptos
1 0-02	98-10919			50		Soquel
1 0-03	98-1 1000			34		Felton
1 0-06	98-11121			15		College Rd., Wats
1 0-07	98-11151			421		Paul Sweet, S.C.
1 0-08	98-1 1179	46				Branciforte, S.C.
10-13	98-1 1361			3		Hardin, Soquel
10-16	98-11490	12				Emiline, S.C.
10-27	98-1 1891	52				E. Cliff, S.C.
1 0-29	98-1 1978	8				Sycamore, S.C.
1 1-04	98-12217	39				Manzanita, Felton
1 1-05	98-12247	510				Oxford Way, S.C.
1 1-09	98-12387	96				Bonny Doon
11-13	98-12517	2				7th Ave., S.C.
11-14	98-12645					Sailfish Dr., Aptos

DATE CASE# PLANTS INDOOR PLANTS OUTDOOR LOCATION

12-03	98-13175	818	Fern Flat, Aptos
12-15	98-13580	384	Nunes Rd., Aptos
12-19	98-1 3688	40	Capitola Rd., S.C.
12-21	98-13764	2	Capitola Rd., S.C.

The following is the Sheriff's Office Marijuana Enforcement Team 1998 statistical summary:

1. Marijuana Plants (outdoor)	3,626
2. Marijuana Plants (indoor)	5,717
3. Outdoor Cultivations	40
4. Indoor Cultivations	32
5. Average Plants Per Case	130
6. Processed Marijuana	127 lbs.
7. Firearms Seized	16
8. Money Seized	\$362,315.00
9. Vehicles Seized	4
10. Property Seized	1
11. Search Warrants Served	39
12. Total Arrests	103
13. Total Cases	83
14. Total Cultivation Cases	69
15. Cultivations Under 'Ten Plants	16
16. Total Medical Cases	1
17. Total Flight Hours	28

MARIJUANASUPPRESSIONPROGRAM

GRANTPROPOSAL

FY1999/2000

Presented by:

Santa Cruz County Sheriff's Office
Mark Tracy, Sheriff-Coroner
April 6, 1999

MARIJUANA SUPPRESSION PROGRAM

MISSION STATEMENT

Commercial growers and traffickers of marijuana pose a serious criminal problem in Santa **Cruz** County. Santa Cruz County's experience, which is not unique, is that some of these growers and traffickers of marijuana also have serious and sometimes violent crime associated with their illegal enterprises.

Because of other demands placed on our law enforcement resources by an increasing population and constrained local budgets, it essential that the County of Santa Cruz obtain funds disbursed through the Office of Criminal Justice Planning to address the problem of commercial marijuana growers and traffickers.

Santa **Cruz** County's FY 1999/2000 Marijuana Suppression Program grant application is intended to address the County's marijuana problem in an integrated manner, which provides maximum coordination between the **Sheriff's** Office and the District Attorney's Office.

Cultivation and sales of any amount of marijuana in California is a felony. Generally **speaking**, local jurisdictions address the lower level activities through the use of existing law enforcement resources. It is the purpose and intent of the County of Santa Cruz in applying for these specific grant funds to reduce the cultivation and sales of commercial quantities of marijuana and thereby also reduce other serious and sometimes violent crime which is known to be associated with such activities. Because commercial

Page 2

cultivation and sales operations and the violent crime associated with them are of such a serious nature, the Marijuana Enforcement Program will target these types of commercial cases.

The Marijuana Suppression Program utilizes the assistance of other public agencies which have access to helicopters. If not operated with an appropriate level of regard to the general public, helicopters may cause a disruption of normal levels of peace, quiet and privacy. The operation of any helicopter associated with the Marijuana Suppression Program in Santa Cruz County shall comply with the rules and regulations of the Federal Aviation Administration.

Additionally, this grant is applied for by the Board of Supervisors with the expressed understanding that nothing in the Statement of Purpose or any other section of this grant is intended to limit free speech, **freedom** of expression, or to target the beliefs of any group or organization, regardless of political point of view.

By applying for Marijuana Suppression Program grant funds, the County of Santa Cruz can address the serious criminal problem of commercial level marijuana growers, dealers and **traffickers**, with who there is known to be violent crime.

The Board of Supervisors shall monitor Marijuana Suppression Program efforts through a yearly report submitted to the County Administrative Office by the **Sheriff**. This monitoring will provide the mechanism to assure the State and our community that these

Page 3

grant funds are utilized in a manner which will address the specific problem stated above in this Mission Statement.

This Mission Statement is not intended to restrict the Sheriff or the District Attorney in the performance of their duties, but instead is intended to add clarity regarding the purpose of the acceptance and appropriation of these grant **funds** and the operation of the Marijuana Enforcement Program.

This Mission Statement shall become part of the grant application.

**OFFICE OF CRIMINAL JUSTICE PLANNING (OCJP A301)
GRANT AWARD FACE SHEET**

(OCJP A301)

4 3

The Office of Criminal Justice Planning, hereafter designated OCJP, hereby makes a grant award of funds to the following **Administrative Agency (1)** Santa Cruz County Sheriff's Office hereafter designated Grantee, in the amount and for the purpose and duration set forth in this grant award.

(2) Implementing Agency Name Santa Cruz County Sheriff's Office

Contact Lt. Michael Lillis **Address** 701 Ocean Street #340, Santa Cruz

Telephone (831) 454-2311

(3) Project Title (60 characters maximum) Marijuana Suppression Program	(6) Award No.
(4) Project Director (Name, Title, Address, Telephone) (four lines maximum) Lt. Michael Lillis 701 Ocean Street #340 Santa Cruz, CA. 95060 (831)454-2311	(7) Grant Period 07-01-99 to 06-30-00
	(8) Federal Amount \$250,000.00
	(9) State Amount -0-
(5) Financial Officer (Name, Title, Address, Telephone) (four lines maximum) Paul Crawford-Senior Financial Analyst 701 Ocean Street #340 Santa Cruz, CA. 95060 (831)454-2992	(10) Cash Match -0-
	(11) In-Kind Match -0-
	(12) Total Project Cost \$250,000.00

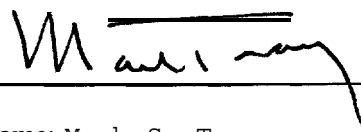
...e page ...osal for the grant which is attached and made a part hereof, and the Assurance of Compliance forms which are being submitted. The grant recipient signifies acceptance of this grant award and agrees to administer the grant project in accordance with the statute(s), the Program Guidelines, this Request for Application (RFA) and the OCJP Grantee Handbook. The grant recipient further agrees to all legal conditions and terms incorporated by reference in the Program Guidelines, this RFA, and the OCJP Grantee Handbook.

FOR OCJP USE ONLY

Item:
Chapter:
PCA No.:
Components No.:
Project No.:
Amount:
Split Fund:
Split Encumber:
Year:
Fed. Cat. #:
Match Requirement:
Fund:
Program:
Region:

(Rev. 5/97)

**(13) Official Authorized to Sign for
Applicant/Grant Recipient**



Name: Mark S. Tracy

Title: Sheriff/Coroner

Address: 701 Ocean Street #340

Santa Cruz, CA. 95060
Telephone: (831) 454-2985

Date: 04-05-99

I hereby certify upon my own personal knowledge that budgeted funds are available for the period and purposes of this expenditure stated above.

Fiscal Officer, OCJP Date

Executive Director, OCJP Date

PREFERENCE POINTS CERTIFICATION

44

Use this format if one is not provided by the Lead agency.

DATE: April 6, 1999

TO: OFFICE OF CRIMINAL JUSTICE PLANNING

FROM: Community Contact
Enterprise Zone Program

SUBJECT: PREFERENCE POINTS

(check **only** one **box**)

☐ (5%) The applicant named below has targeted this enterprise zone for grant-related activities.

☒ (2%) The applicant **named** below **has** not **specifically** targeted this enterprise zone for grant-related **activities**. However, the applicant provides needed **services** to residents of this community.

Applicant Name: County of Santa Cruz, Sheriff's Office

Project Name: Cultivation Erradication

Address: 701 Ocean St, Room 340, Santa Cruz, CA


Program Zone: County of Santa Cruz

I **certify** that I have reviewed the proposed project and that it meets **the eligibility** requirements for **preference** points as required by California Government Code **Section 7082**.

The project will respond to requests for assistance relative to marijuana cultivation in the City of Watsonville.

Jeff Wells
Print Name of Enterprise Zone Contact

Enterprise Zone Coordinator
Title


Signature of Enterprise Zone Contact

4-5-99
Date

City of Watsonville, Housing & Economic Development

Name of Enterprise **Zone** Agency

P.O.Box 50000, Watsonville, CA 95077-5000

Address

(831) 728-6152

()

Telephone Number

1. PROBLEM STATEMENT

A. DESCRIPTION OF THE COUNTY

Santa Cruz County is located on the Monterey Bay and is surrounded by San Mateo County, Santa Clara County, San Benito County and Monterey County. Santa Cruz County is geographically the second smallest County in the State with 439 square miles. The population of Santa **Cruz** County is approximately 230,000. The California Department of Finance reported the following population figures in 1998:

*Unincorporated County.....	136,800-54.6%
*Santa Cruz City.....	54,600-21.8%
* Watsonville City.....	37,150-14.8%
*Capitola City.....	11,050-4.4%
* Scotts Valley City.....	10,550-4.2%

Santa Cruz County is mostly rural with a vast coast line and remote mountainous areas. Many parts of Santa **Cruz** County are now bedroom communities for people working in Santa Clara County's Silicon Valley. The economic composition of the residents vary **from** low income families to highly paid corporate executives working in the computer industry. The Pajaro Valley (**Watsonville** area) is a thriving agricultural community and has some light industry.

For some residents, the marijuana culture in our County is not a hobby, but a way of life. We have found over the years that a significant number of people in our County make their income **from** growing and selling marijuana. Marijuana cultivators and dealers who have been arrested in the past range in age **from** teenagers to people in their 70's.

The underlying reason for a majority of growers and dealers participating in their illegal ventures is economics. We have been told by many of these people that growing and selling marijuana affords them a comfortable lifestyle without having to work a conventional job.

Complacency, lack of parental direction/supervision, the presence of a counter culture life style, the presence of a large number of college age students at UC Santa Cruz and a laid back attitude about drugs in general are just a number of many reasons why the illegal drug culture in Santa Cruz County exists today. During the last three years we have been able to educate the Courts and Probation Department about the revenue that commercial marijuana growers generate while growing and selling marijuana. Often, **stiff fines** are handed down however, the misconception that marijuana is a “benign” or “soft” drug permeates throughout the community and criminal justice system. For example, a commercial grower involved with cultivating 100 marijuana plants and is a first time offender typically receives a similar jail sentence as a street corner dealer who is caught selling a quarter gram of heroin or cocaine.

We need to continue to educate the community and the Courts that marijuana cultivation and sales is a continuing criminal enterprise that includes money laundering, tax evasion and sometimes violence. The Sheriff’s Office has recently investigated several home invasion robberies where the motive was the **theft** of marijuana.

B. PROBLEMS AND NEEDS

If one looks at the statistical figures mentioned below it is painfully apparent that our county indeed has a marijuana problem. Plant seizures, weapon seizures and asset

seizures have all risen. Much of this success can be attributed to the MSP Grant and the fact that we have two full time marijuana detectives and a halftime marijuana prosecutor. Because of current **staffing** issues and other projects it is impossible for the Sheriffs Office to fund two detectives without the assistance of this grant. Further, **if it** were not for the MSP Grant, cases that are submitted to the District Attorney's Office would be prosecuted by a variety of deputy district attorney's thereby precluding consistent sentencing guidelines.

PLANTS SEIZED INDOORS	PLANTS SEIZED OUTDOORS
1995.....1,706	1995.....4,893
1996.....9,666	1996.....8,080
1997.....4,515	1997.....10,376
1998.....5,717	1998.....3,626

It is **difficult**, if not impossible, to accurately estimate the availability of marijuana to the community. However, with current prices holding steady at **\$4,200.00** to **\$5,000.00** a pound, it is believed that our program is making a significant impact by reducing the supply of locally grown marijuana to the community. By continuing our air surveillance program in the Summer months, we have significantly reduced the number of outdoor marijuana plants being confiscated. During the past three years we have seen the trend of increased indoor plant seizures and decreased outdoor plants seizures.

C. ANTICIPATED IMPACT

The Sheriff's Office will meet the needs of the County on several levels. From the enforcement side the Marijuana Enforcement Team will continue to search for outdoor

marijuana cultivations in the Spring and Summer months. Team members will focus their activity on indoor growers and traffickers in the Fall and **Winter** months. We have seen a recent trend of seizing more marijuana plants from indoor cultivation cases than outdoor cultivation cases. It would appear that team members are impacting the County by reducing the number of outdoor cultivations and driving the growers indoors.

Team members will provide marijuana related training to other deputies as well as outside law enforcement agencies. Team members will work closely with the assigned Deputy District Attorney to insure that strict prosecutions continue with cases generated by team members.

By eliminating the number of outdoor cultivations, the Marijuana Enforcement Team will reduce the amount of marijuana being made available to the community. Through training and coordination with the District Attorney's Office the quality of cases will continue to increase and stricter sentences will be handed down to commercial marijuana growers and dealers.

D. PROPOSITION 215

The Compassionate Use Act of 1996 has had minimal impact on the day to day operations of the **Sheriff's** Office Marijuana Enforcement Team. The goal of the Marijuana Enforcement Team is to disrupt the flow of locally grown marijuana **from** the commercial growers/dealers to the community and schools. In order for a person to be protected under the umbrella of 11362.5 H&S, the amount of marijuana being grown must be for personal consumption. Because the Marijuana Enforcement Team's intention is to investigate commercial growers, very few personal use medical cases are investigated.

A protocol has been implemented within the **Sheriff's** Office for instances where medical cases are found. When a person is found in possession of a small number of marijuana plants and has a serious medical condition the investigating deputy inquires about the following:

1. The nature of the person's illness.
2. Their doctor's written recommendation. If no written recommendation exists, the person is asked for the name of the doctor that recommended marijuana use.
3. The deputy obtains a random sample of the marijuana plant(s) and later places the sample into evidence.
4. The Deputy writes a report documenting the incident and attaches any relevant medical documentation to the report.
5. In a case where a patrol deputy locates a medical marijuana case, the patrol deputy contacts a Marijuana Enforcement Team member and advises the team member of the facts surrounding the case.

If a person is found in possession of marijuana plants and claims he/she is a Primary Care Giver the investigating deputy inquires about the name of the serious ill person that the care giver is responsible for. The deputy asks relevant questions including what the day to day responsibilities of the Primary Care Giver are to the ill person.

PLAN

OBJECTIVE LE-1

Members of the Marijuana Enforcement Team will network with the California Air National Guard and utilize resources that are available to fly air reconnaissance in the Spring and Summer months for outdoor marijuana gardens. Once a substantial number of marijuana gardens are located, team members will utilize CAMP (Campaign Against Marijuana Planting) and other local resources to eradicate the outdoor marijuana sites. This will effectively reduce the supply of marijuana that would otherwise be made available to local communities and schools.

In the Fall and Winter months, team members will focus their work effort towards locating commercial indoor marijuana cultivations and large level traffickers. Using tips from citizens and informants, as well as other investigative techniques, team members will acquire information that will allow them to locate and stop the influx of marijuana to Santa Cruz county.

Team members will utilize resources from the Drug Enforcement Administration and local agencies to assist them with both their indoor and outdoor marijuana investigations. The DEA will be notified of the existence of large level cases and will have the option of adopting cases for federal prosecution.

Team members will coordinate with the assigned deputy district attorney in cases where search warrants are needed and arrests are likely. Team members will make reports, photographs, video tape and evidence available to the assigned deputy district attorney so that thorough prosecution is possible.

Team members will be trained in all facets of marijuana investigation and court room testimony. This training will insure that quality cases will be submitted to the assigned deputy district attorney for prosecution.

PROJECTED NUMBER

1. Indoor marijuana cultivation sites detected	<u>35</u>
2. Indoor marijuana cultivation sites eradicated	<u>35</u>
3. Outdoor marijuana cultivation sites detected	<u>30</u>
4. Outdoor marijuana cultivation sites eradicated	<u>30</u>
5. Marijuana plants confiscated	<u>12,000</u>
6. Processed marijuana (in pounds) confiscated	<u>100</u>

PLAN

OBJECTIVE LE-2

Marijuana enforcement Team members will locate commercial marijuana cultivations and marijuana trafficking organizations utilizing a variety of investigative techniques. Outdoor cultivations will be located via overflights, citizen tips and informants. Indoor cultivations will be discovered via citizen tips and informants.

Once a commercial marijuana grow or a **trafficking** organization has been identified, team members will conduct surveillance, obtain court orders and deliver subpoenas for relevant information about the case they are working. Team members will consult with other agency's data bases for information about the suspect(s) in their case. When appropriate, team members will contact **WSIN** (Western States Intelligence Network) for information about the organization they are investigating.

Once all pertinent information has been collected and probable cause has been established team members will obtain search warrants for the location the suspect's are utilizing to conduct their illegal enterprise. The assigned deputy district attorney will assist with search warrant preparation and provide legal advice to team members.

After team members obtain a search warrant, they will plan the execution of the warrant so that the warrant is served safely and effectively. All evidence will be collected and booked into the **Sheriff's** Office property room. Any assets that were determined to be derived from the sale of controlled substances will be seized and asset forfeiture proceedings initiated. Team members will interview all suspects and witnesses and then

write a detailed report outlining the facts of the case. The written reports will then be delivered to the assigned deputy district attorney for review and prosecution.

If a case is found to be substantial the Drug Enforcement Administration will be notified and given the option of adopting the case for federal prosecution. If a case is adopted by the federal government all evidence and assets will be turned over to the federal agent in charge of the case.

When appropriate, the **Sheriff's** Office Press Information Officer will be notified of significant seizures and arrests. The Press Information Officer will determine how information about the case will be disseminated to the media.

PROJECTED NUMBER

- | | |
|---|--------------|
| 1. Investigations initiated for marijuana cultivation and trafficking | _____75_____ |
| 2. Investigations resulting in arrests | _____60_____ |
| 3. Search warrants served | _____30_____ |
| 4. Total arrests | _____75_____ |
| 5. Referrals for prosecution | _____65_____ |

PLAN

OBJECTIVE LE-3

During the service of a search warrant or during a consent search team members will examine financial documents of the marijuana grower/dealer. Team members will look through the suspect residences for cash, safety deposit box keys, pay/owe sheets and any other instrument that could have value to the marijuana grower/dealer.

When assets are found that are reasonably believed to be derived from the sale of marijuana, team members will initiate an asset forfeiture investigation. Team members will conduct a financial interview with the suspect and ascertain the suspect's actual legitimate income. Team members will serve the suspect with asset forfeiture paper work and then deliver the forms to the Deputy District Attorney in charge of asset seizure cases.

When U.S. currency is seized, team members will either place the money into evidence or deliver the currency to the Investigation Sergeant in charge of asset seizure cases. The Investigation Sergeant will then place the cash into the **Sheriff's Office Pre-litigation Account**. If a vehicle is seized team members will temporarily store the vehicle at a local tow yard. Team members will contact Nationwide Auction and request the vehicle be picked up for long term storage. After the case has been adjudicated, Nationwide Auction will sell the vehicle and send the proceeds to the **Sheriff's Office** for disbursement.

When the Drug Enforcement Administration adopts a Marijuana Enforcement Team case, all assets will be turned over to the DEA agent in charge of the case. Team

members will monitor the status of the prosecution and keep in contact with the agent in charge of the case.

PROJECTED NUMBER

1. Investigations resulting in asset seizures	<u>20</u>
2. Estimated dollar value of real property seized	<u>\$50,000.00</u>
3. Estimated dollar value of personal property seized	<u>\$25,000.00</u>
4. Amount of cash seized	<u>\$50,000.00</u>

PLAN

OBJECTIVE LE-4

To insure that Marijuana Enforcement Team members are highly trained skilled investigators the current training plan calls for both team members to have **successfully** completed the DEA **Overflight** School. The current team members have also successfully completed the DEA Indoor/Outdoor Marijuana Investigators School. Both team members and the assigned Deputy District Attorney attended the annual California Narcotic Officers Association (CNOA) conference and the annual Campaign Against Marijuana Planting (CAMP) conference.

In the past, team members have provided formal training to other **Sheriff's** Office employees and have taught at a POST (Police Officers Standards and Training) certified class.

For the upcoming grant cycle, team members will continue to attend the annual CNOA and CAMP conferences. If the DEA or DOJ offer an advanced marijuana investigators school team members will be encouraged to attend. If there is a change in personnel, the new team member will attend the DEA Overflight School and the DEA Indoor/Outdoor School.

Team members will continue to provide marijuana related training to patrol personnel and outside agencies as requested. Deputies will be encouraged to assist team members with the service of search warrants and the eradication of outdoor marijuana gardens. When this occurs, team members will provide training to personnel while in field.

On going communication between the assigned Sheriff's Office personnel and the assigned deputy district attorney will ensure that both the enforcement and prosecution sides of the grant learn the same information.

PLAN

OBJECTIVE LE-5

Marijuana Enforcement Team members will provide information to the public about the dangers and myths of marijuana. This will be done using the media via press releases, attending community forums and providing presentations to local schools, clubs and churches. Team members have attended similar functions in the past and have been well received.

When a significant case occurs the **Sheriff's** Office Press Information Officer will be advised and provide the media with a press release and/or on camera statement.

The **Sheriff's** Office currently has an effective DARE program in place throughout the County that educates local children about the dangers of drugs and violence.,.

PROJECTED NUMBER

Educational forums/presentations	- 3 -
----------------------------------	-------

OBJECTIVE D.A.-I:**Increase the conviction rate of felony marijuana cultivators and traffickers.**

Marijuana cultivators are drawn to Santa Cruz County because of the attractive climate, mountainous and rural geography, and the general social acceptance of marijuana use. An additional factor may be the perception of relative lenient treatment by the courts. Marijuana cultivation has another interesting aspect to it in that it tends to lure a larger percentage of middle class citizens due to its profit margin, low risk, including lesser penal sanctions. One additional factor contributing to the challenge of prosecuting marijuana cultivators is the current trend in the location of the marijuana grow. We are seeing a decrease in outdoor cultivation and a substantial increase in indoor cultivation. The use of upscale residences in middle class neighborhoods to cultivate marijuana indoors makes the detection of these gardens all the more difficult for law enforcement.

In spite of the increase in sophistication of the cultivators as well as the move indoors, the prosecution of the marijuana cultivators has successfully increased, due to the efforts of the Marijuana Enforcement Team, in conjunction with the MSP prosecutor. The District Attorney's Office has currently assigned a senior MSP prosecutor who works with the Sheriffs 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 involves helping to evaluate potential referrals at the investigative and pre-arrest stages, as well as handling court appearances at arraignments, Grand Jury sessions, and/or preliminary hearings, pretrial proceedings, trials, sentencing hearings, diversion review hearings and probate/parole violation hearings.

The successful prosecution of felony marijuana cultivators and traffickers requires a knowledgeable, diligent, persistent and specially skilled prosecutor to understand the complexities of the trade and specific legal applications, as well as the sophistication of

a particular marijuana cultivator (i.e., hydroponic versus soil cultivation, COT tanks, reflective mylar, fertilizers, Ph solutions, electrical wiring, kilowatt usage, etc.). A prosecutor's specialized in MSP cultivation cases can better assist the Sheriff's Office Marijuana Suppression Team as well as other agencies in successfully prosecuting cases through the courts via vigorous vertical prosecution of new referrals from arraignment through sentencing and an aggressive pursuit of probation and parole violations against previous violators who reoffend.

The change in the location of the indoor versus outdoor marijuana grow will require a greater degree of focus and greater resource commitment to maintain, and even increase, the high conviction rate already achieved. Detection will be a greater problem, requiring increased pre-arrest strategies and the use of soundly prepared search warrants. The unpopularity of the crime in this community requires a specially designated MSP prosecutor who can come up with specialized knowledge and skills, and maintain credibility with the various components of the criminal justice system, including the courts.

We anticipate the great majority of cultivation cases referred for prosecution will continue to be generated by the Sheriff's Office Marijuana Suppression Team. Continuing referrals are expected from police agencies operating within their own jurisdictions and from the county-wide Interagency Narcotics Enforcement Team (SCCNET). A number of cases were submitted during the second quarter of the previous grant year from the Santa Cruz Police Department. Street level sales of marijuana is a continuing problem within the downtown Santa Cruz area. Merchants complain that the dealers loiter in front of their businesses, harass and disturb retailers and customers, and deter potential customers from the downtown businesses. The large supply of marijuana available for resale and the notion that Santa Cruz courts are lenient in this area, also attract transients to our county who support themselves by selling marijuana in the downtown Santa Cruz area. 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 reflect the anticipate caseload for the upcoming grant year.

Adequate **case tracking** is assured through five complementary data capture methods:

1. A case intake log and disposition log for all referred cases for filing is maintained throughout the grant term;
2. Defendant data forms for each defendant accepted into the grant program;
3. An office mainframe based case management system (PROFILE) is used to capture the court's minute orders subsequent to each court appearance in all cultivation **cases**;²
4. Actual case files for each defendant; and
5. Daily timesheets recording the assigned prosecutor's time spent on 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. He/she 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.

¹ Since prosecutions are conducted against named individuals, each person referred to the District Attorney's Office is counted as a separate case.

² Profile is an online system which can be accessed by both District Attorney and Sheriff personnel. It is used to keep project personnel apprised of future court events and appearance dates (historical data is also maintained), and also tracks referring agency, charges and defendants (including aliases), case dispositions and sentences imposed.

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

PROJECTED NUMBER

1.	Cultivators and traffickers referred for prosecution	<u>180</u>
2.	Complaints filed	<u>155</u>
3.	Prosecutions resulting in convictions	<u>150</u>

OBJECTIVE: D.A.-II:

Provide specialized services to law enforcement personnel to improve the quality of marijuana prosecution efforts.

The project attorney is assigned to work with the Sheriffs Office and other law enforcement agencies on the MSP grant. His/her duties include assisting in the preparation of search warrants, meeting with law enforcement personnel on pre-arrest strategies, providing the other necessary legal assistance and training, and participating in the D.A.R.E. Program. The need for a project attorney who provides the exclusive work on MSP cases continues to be more and more advisable because of the change in the "growing season" from seasonal to year round and the continually "growing" sophistication of the marijuana cultivators. The relatively recent onset of the medical marijuana defense has also highlighted the need for the specially assigned prosecutor to assist law enforcement personnel and better prepare for trial where this defense is made.

The use of a project attorney allows the District Attorney's Office to provide enforcement personnel with timely and specialized legal services on an as-needed basis, greater continuity between cases, expedient warrant preparation efforts and minimized legal challenges to cases which proceed to litigation.

Since marijuana use and cultivation is a highly charged political and social issue in our county, the availability of the project attorney to law enforcement on prevention and eradication policies and pre-arrest strategies is very important and valuable. In addition, legal training is provided to the Sheriffs cultivation team on an ongoing basis. Most of this training is informal and will generally be delivered through contact with the project attorney on the cases being held under the grant. There also are a number of more structured training sessions provided to the team in the areas of "search and seizure," "open fields doctrine," exigent circumstances searches, and Miranda warnings.

The project attorney has and will continue to accompany the law enforcement personnel during the execution of select search warrants.

Coordination of efforts with the federal authorities will also be continued during the new grant period.

All warrant requests pursued under the proposed grant will be handled by the project attorney.³ Current practices within this county provide that any sitting judge may sign a cultivation related search warrant. As a policy objective, the project attorney will continue to seek to have all search warrants signed only by felony level judges.

All law enforcement agencies are advised of the project attorney's status and availability on grant related cases. The project attorney will coordinate county-wide meetings and communications between the Marijuana Suppression Units of all local law enforcement agencies.

The project attorney is designated to be available on grant cases from the early stages, including search warrant preparation and pre-arrest strategy meetings through the conclusion of the case to time of sentencing and even beyond in the event of probation violation proceedings. The project attorney will remain available at all times for on-site presence during execution of search warrants and on-scene legal assistance.

Contact with all law enforcement personnel involved in cultivation cases in this jurisdiction will occur on a daily basis and also occurs periodically throughout the year with similar personnel in other jurisdictions as the occasion arises.

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. Liaison is further promoted through multi-agency access to the case status and appearance information provided by the District Attorney's mainframe based automated case tracking system (PROFILE).

The **procedure** that will be established to provide specialized services to law enforcement personnel are the following:

1. Daily contact with law enforcement personnel.

³ The District Attorney's Office has designated an alternate to provide all grant related services should the regular project attorney become unavailable for periods of sickness or vacation. OCJP will be properly advised should this be required.

2. Law enforcement personnel to call project attorney to apprise of upcoming need for search warrant.
3. Project attorney to monitor progress on search warrant.,
4. Project attorney to review all search warrants before submission to magistrate.
5. Project attorney to attend the scene of execution of search warrant on select cases.
6. Project attorney will submit investigation request to pertinent law enforcement personnel.
7. Project attorney to notify pertinent law enforcement personnel of filing decisions.
8. Project attorney to coordinate with law enforcement personnel on trial preparation and efforts.
9. Project attorney to notify and discuss all intended dispositions with pertinent law enforcement personnel.
10. Project attorney to communicate with pertinent law enforcement personnel for input on sentencing recommendations and issues.
11. Project attorney shall periodically attend law enforcement personnel roll call.

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

PROJECTED NUMBER

- | | | |
|----|--|-------------|
| 1. | Coordination meetings with law enforcement personnel | <u>100"</u> |
| 2. | On-scene legal assistance (OPTIONAL) | <u>10</u> |

* Excluding on-scene legal assistance.

OBJECTIVE: D.A.-III:

Forfeit the assets of marijuana cultivators and traffickers.

All marijuana cultivation cases that are referred from law enforcement agencies are closely examined by a non-grant prosecutor assigned to handle asset forfeiture cases for the purpose of determining their asset forfeiture potential. That attorney aggressively prosecutes all asset forfeiture cases referred by law enforcement. Particular attention is given to cases in which cash or property is seized at the 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).

The **asset forfeiture procedure** and actions taken on marijuana cultivators and traffickers in the county consist of the following:

1. Asset seizures made by participating law enforcement agency.
2. Pertinent documentation submitted to asset forfeiture prosecutor in conjunction with the criminal prosecution.
3. Asset forfeiture prosecutor closely coordinates with project attorney in the handling and disposition of asset forfeiture cases in conjunction with the criminal case.
4. Asset forfeiture prosecutor also regularly confers with law enforcement agencies and provides training as necessary regarding asset forfeiture.
5. Asset forfeiture prosecutor either initiates non-judicial forfeiture or judicial forfeiture as appropriate and follows the case to completion.
6. Asset forfeiture data is maintained by the asset forfeiture and project attorneys.

Data maintained includes name of case, referring agency, number of forfeitures and amount of money forfeited.

7. Upon completion of an asset forfeiture case, component agencies notified by the project prosecutor for timely and proper distributdn of seized assets.

Objective D.A.-IV:

Improve the prosecution of marijuana cases through specialized training.

The project attorney will complete the 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, in the state's Campaign Against Marijuana Planting (CAMP) conference, and the CNOA institute.

The project attorney will regularly provide in-service training to other prosecutors in the office relating to possible legal issues and appropriate dispositions in non-MSP grant and marijuana prosecutions and diversion cases.

The project attorney will provide specific training in the areas of search and seizure law to members of the Sheriffs Marijuana Suppression Team and other law enforcement agencies involved in the suppression of marijuana cultivation. (Refer to Objective D.A.-II)

The project attorney's attendance at OCJP, CAMP and CNOA training conferences which are generally multi-disciplinary in scope and attended by numerous other criminal justice agencies and components, will provide cross training with other agencies.

OBJECTIVE DA-4: Improve the prosecution of marijuana cases through specialized training.

	PROJECTED NUMBER
1. Training hours received	<u>24</u>
2. Trainings provided to share information with others (cross-training)	<u>3</u>

Objective D.A.-V:**Provide information to the public to prevent illegal use of marijuana.**

The project attorney will fully participate in all 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 Sheriffs "Media Days," and presentations at various community forums. See Objective L.E.-V for more complete narrative description of these activities.

The project attorney will also respond to specific community needs and concerns related to marijuana based offenses which raise particular issues and problems for the particular constituency such as the downtown business merchants or mall/shopping center merchants.

The project attorney will also continue to educate the public on the limits of the medicinal marijuana defense which remains a big political, if not legal, issue in this county.

OBJECTIVE DA-5: Provide information to the public to prevent illegal use of marijuana. **(OPTIONAL)**

PROJECTED NUMBER

1. Prevention forums conducted in conjunction with law enforcement.

10

IMPLEMENTATION

A. ORGANIZATIONAL DESCRIPTION

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

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 twenty-two sergeants. There are three bureaus within the Office (Operations, Detention and Administration).

The MSP program will work out of the Investigation Division of the Operations Bureau. Team members will work separate **from** the County Narcotic Enforcement Team. The two MSP funded Deputies will be supervised by an Investigations Sergeant, who will report to the Investigations Lieutenant. The Investigations Lieutenant will be supervised by the Operations Chief Deputy, who will report to the Sheriff.

The assigned Deputy District Attorney will be supervised by the District Attorney's Office Chief Deputy of Operations. The Chief Deputy of Operations will report to the District Attorney.

The two assigned Deputy Sheriff's and the 50% **funded** Deputy District Attorney will be funded by MSP monies. All secretarial and administrative assistance will be provided by the Sheriff's Office and District Attorney's Office on an "in kind" basis.

The Investigations Sergeant who supervises the two grant funded Deputies **will** be responsible for insuring that all administrative responsibilities are completed in a timely manner.

IMPLEMENTATION

C. WORKING RELATIONSHIPS

Grant funded employees of the **Sheriff's** Office and District Attorney's Office will work in unison to insure the success of the MSP program. The **Sheriff's** Office will be responsible for the investigation of commercial marijuana related cases. The Sheriffs Office will also be responsible for the day to day operations and management of the grant, as well as fulfilling all reporting requirements. The **Sheriff's** Office will provide administrative support to the MSP program by monitoring the success of the program, providing clerical support and managing the grant **finances**.

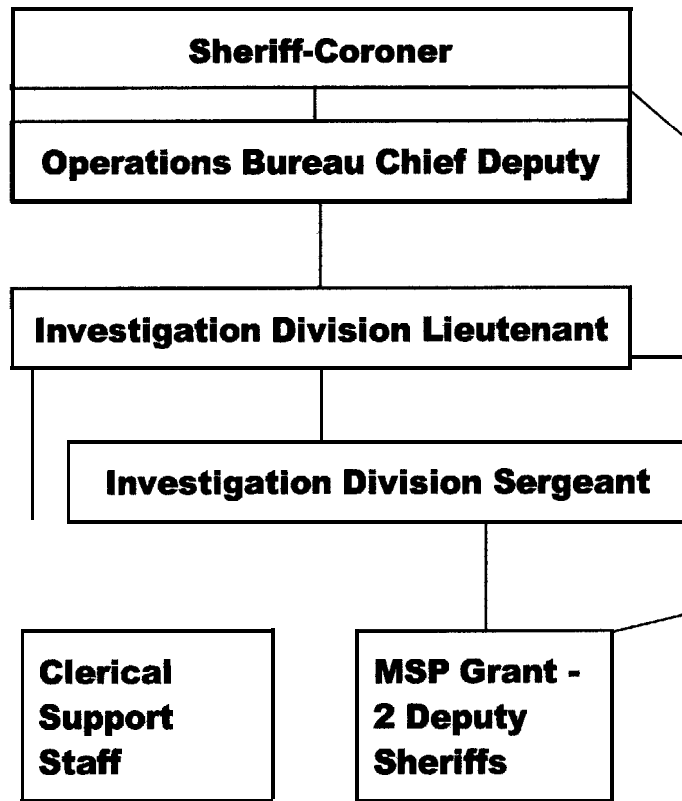
The District Attorney's Office will assign one deputy district attorney with felony trial experience to the grant **fifty** percent of the time for the twelve month grant period. The assigned deputy district attorney will vigorously prosecute those marijuana related cases referred by the assigned deputy **sheriff's**. The deputy district attorney assigned to the grant will be available to the assigned deputy sheriffs during normal working hours and will be on-call during non working hours. In addition to prosecuting cases, the assigned deputy district attorney will assist team members with the preparation of search warrants, attend marijuana related schools and seminars and assist with community awareness presentations.

The Operations Chief Deputy District Attorney and the **Sheriff's** Office Chief Deputy will meet quarterly to monitor the effectiveness of communications and assure that the objectives of the grant are being met.

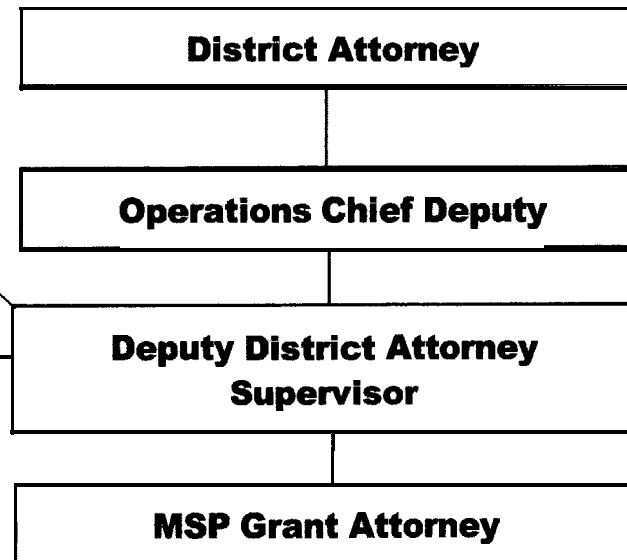
Operational Chart

Santa Cruz County

Sheriff's Office



District Attorney's Office



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 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, trafficking, 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

Ronald L. Ruiz
 District Attorney
 Santa Cruz County

The activities specified in 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 operations 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 to fulfill all reporting requirements for 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 and prosecution effort.

2. The Santa Cruz County District Attorney's Office

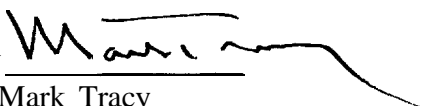
This agency will assign one deputy district attorney with felony trial experience to the Marijuana Suppression Program halftime for the twelve month period. It will be the responsibility of this project attorney to pursue the prosecution component objectives listed in the grant application. The project attorney's responsibilities as a member of the Marijuana Suppression Program will be to participate in the investigation of **all** major marijuana cultivation, sales and trafficking cases generated by the Marijuana Suppression Program 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 of any other legal issues that may arise.

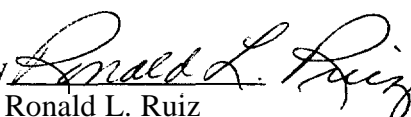
In addition, the project attorney's primary responsibilities will be the vertical prosecution of all major marijuana cultivations, sales and trafficking cases. When scheduling does not permit vertical prosecution the project attorney will be responsible for supervising the cases and managing the best 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 unit in providing training to other deputy district attorney's and law enforcement officers.

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, sales 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 on a regular basis 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 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 5th day of April, 1999.

BY 
 Mark Tracy
 Sheriff/Coroner
 Santa Cruz County

By 
 Ronald L. Ruiz
 District Attorney
 Santa Cruz County

IMPLEMENTATION

E. GRANT JOB DESCRIPTIONS

The Sheriffs Office will assign two highly trained top step deputy **sheriff's** to the Marijuana Suppression Program. The assigned deputies will be fully funded by the grant and will only work marijuana related cases. The assigned deputies will investigate commercial marijuana growers, dealers and traffickers utilizing a variety of investigative techniques including, but not limited to, aerial reconnaissance, surveillance and working with informants and citizens. The assigned personnel will write search warrants, documents cases with written reports, provide expert testimony in court and work closely with the assigned deputy district attorney to insure thorough prosecution of suspects. The assigned personnel will report to an Investigations Sergeant, who will monitor the progress of the grant, as well as the assigned personnel's cases. The Investigations Sergeant will provide assistance when necessary and insure that the assigned personnel have the resources they need to meet their objectives and goals.

The District Attorney's Office will assign one deputy district attorney halftime for the twelve month period to the Marijuana Suppression Program. The assigned deputy district attorney will be an experienced lawyer with felony trial experience. The project attorney will participate in the investigation of all major marijuana cultivation, sales and trafficking cases generated by the Marijuana Suppression unit.

The project attorney's primary responsibilities will be the vertical prosecution of all commercial marijuana cultivators, dealers and traffickers. Specialized services provided by the project attorney will include training in search and arrest warrant preparation,

investigating and arrest strategies and legal update. The project attorney and the assigned deputy sheriff's will keep in continual communication regarding current investigations and pending court cases. The project attorney will report directly to the Operations Chief Deputy District Attorney.

BUDGET CATEGORY AND LINE ITEM DETAIL

000 80
COSTA. Personal Services - **Salaries/Employee** Benefits Page 1 of 2

SALARIES (District Attorney's Office)

\$45,366.00

One level four Deputy District Attorney (half time
for twelve months).

S A L A R Y :

18 pay periods at \$43.11 per hour=\$62,078.00

8 pay periods at \$44.77 per hour= \$28653.00

Total \$90,731.00

Half time salary \$90,731.00 X .50 \$45,366.00

BENEFITS:

\$10,888.00

A. Retirement @.12612 X \$45,366.00=\$5,722.00

B. Insurance @ .50 X \$3,389 =\$1,695.00

C. OASDI @ .0765 X \$45,366.00 =\$3,471.00

Total \$10,888.00

TOTAL

Please continue
on next page

BUDGET CATEGORY AND LINE ITEM DETAIL A. Personal Services - Salaries/Employee Benefits	COST
<p style="text-align: right;">Page 2 of 2</p> <p>SALARIES (Sheriff's Office)</p> <p>Two full time top step Deputy Sheriff's for 12 months. The below noted figures represent the total salaries and benefits for two Deputies.</p> <p>SALARY:</p> <p>26 pay periods @ 26.21 per hour x 2 \$109,034.00</p> <p>BENEFITS:</p> <p>A. PERS Retirement \$54,517 x .11425 x 2 \$12,458.00</p> <p>B. OASDI \$54,517.00 x .0145 x 2 \$1,582.00</p> <p>C. Insurance \$6,881.00 x 2 \$13,762.00</p> <p style="text-align: right;">Total \$27,801.00</p> <p>OVERTIME:</p> <p>In order to successfully investigate the increasing number of indoor marijuana cultivation investigations the following overtime budget is needed,</p> <p>651 hours at \$39.32 \$25,613.00</p>	<p style="text-align: right;">81</p> <p>\$109,034.00</p> <p>\$27,801.00</p> <p>\$25,613.00</p>
TOTAL	\$218,702.00

BUDGET CATEGORY AND LINE ITEM DETAIL

82

B. Operating Expenses .

Page 1 of 2

COST

1. Travel

\$5,948.00

A. CNOA Conference (based on four days) (3)

Registration @ \$250.00 each = \$750.00

Lodging @ \$79.00 per night (2 rooms) = \$632.00

Travel @ \$250.00 each = \$750.00

Car rental @ \$75.00 per day = \$300.00

Per diem @ \$32.00 a day each = \$384.00

Total = \$2,816.00

B. CAMP Conference (based on 4 days) (4)

Registration @ \$125.00 each = \$500.00

Lodging @ \$79.00 per night (3 rooms) = \$948.00

Travel @ \$250.00 each = \$1,000.00

Car rental @ \$75.00 per day = \$300.00

Per diem @ 32.00 per day each = \$384.00

Total = \$3,132.00

2. INDIRECT COST/ADMINISTRATIVE OVERHEAD

\$12,350.00

This cost is based on 5% of the total grant expenditures minus equipment cost. = \$12,350.00

3. AUDIT EXPENSE

\$2,500.00

Flat rate fee of \$2,500.00 = \$2,500.00

4. CONFIDENTIAL FUNDS

\$1,500.00

These funds will be used as described in the Confidential Fund narrative attached in the Appendix and labeled as Attachment A. = \$1,500.00

TOTAL

Please continue to next page

BUDGET CATEGORY AND LINE ITEM DETAIL				000 84
C. Equipment		Page 1 of 1		COST
1. Camper Shell	= \$1,500.00			\$1,500.00
<p>The camper shell of an existing MSP truck recently broke and is beyond repair. This truck was purchased with with MSP funds in 1994 and is used on a daily basis by the MET team.</p>				
2. Uniforms	= \$1,500.00			\$1,500.00
<p>This expense will pay for uniforms, boots eradication supplies and safety gear</p>				
CATEGORY TOTAL				\$3,000.00
PROJECT TOTAL				\$250,000.00
FUND DISTRIBUTION	FEDERAL	STATE	CASH MATCH	IN-KIND MATCH
1. Amount of Funds				
2. Percentage of Funds				

OCJP-A303c (Rev. 7/97)

GRANT PROPOSAL INDEX

1. Attachment A - Confidential Fund Justification



County of Santa Cruz

SHERIFF - CORONER

701 OCEAN STREET, SUITE 340, SANTA CRUZ, CA 95060

(831) 454-2985 FAX: (831) 454-2353

MARK TRACY
SHERIFF - CORONER

April 6, 1999

Agenda: April 27, 1999

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

Dear Members of the Board:

The Sheriff's Office is requesting approval from the Board to apply for \$250,000.00 of Marijuana Suppression Program funds for FY 1999/2000. The 1998 Marijuana Suppression Program year end report is finished and was distributed on 04-09-99.

As the Board is aware there are two sources of funds available to the Sheriff's Office to support marijuana eradication efforts. The Cannabis Eradication Program has been part of the Sheriff's Office budget for a number of years and generally is used to pay for overtime costs. The Marijuana Suppression Program funds are used to pay for personnel and operating expenses. The Sheriff's Office is currently in its third year of this grant.

This year the Cannabis Eradication Program funds have been re-authorized at a total of \$24,500.00 by the United States Department of Justice Drug Enforcement Administration. This is a reduction of \$10,500.00 from FY1998/99. These funds are allocated to the County without the submission of a formal grant proposal or resolution.

The County was selected for a three year Marijuana Suppression Program grant in 1996. The third year of the grant will end on 06-30-99. The State Office of Criminal Justice Planning has informed the Sheriff's Office that funds to support this program will, once again be available from the Federal Edward Byrne Memorial State and Local Law Enforcement Assistance Program. The Sheriff's Office is requesting a grant award of \$250,000.00 for FY1999/2000. This is an increase of \$32,150.00 from last year. The increase will offset the \$10,500.00 reduction of Cannabis Eradication Program funds and

MOU pay increases of the assigned personnel. The increase will also pay for a top step level IV Deputy District Attorney, rather than a level III (as in past years).

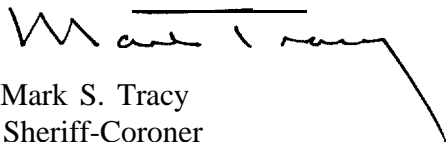
The Sheriff's Office Marijuana Enforcement Team will follow established protocols when investigating medical marijuana cases. By agreement with the Board the Sheriff's Office will use helicopters no more than 60 flight hours during marijuana eradication and reconnaissance operations during FY 1999/2000. The Sheriff's Office has used 28 hours of helicopter flight time during FY 1998/99. The program will be the same as previous years with two full time deputy sheriffs and one halftime deputy district attorney assigned to the grant.

Revenue and expenditure appropriations for both the Cannabis Eradication Program and Marijuana Suppression Program grants will be contained in the proposed FY 1999/2000 budget request.

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

1. Accept and file report of the Sheriff's Office 1998 report on Marijuana Suppression Program activities.
2. Approve the renewal of the Cannabis Eradication Program grant in the amount of \$24,500.00 for FY1999/2000 from the Drug Enforcement Administration.
3. Approve an application and resolution for the Sheriffs Office to receive \$250,000.00 of Marijuana Suppression Program funds from the State Office of Criminal Justice Planning.

Very truly yours,



Mark S. Tracy
Sheriff-Coroner

RECOMMENDED:



SUSAN A. MAUREILLO
County Administrative Officer

BEFORE THE BOARD OF SUPERVISORS
OF THE COUNTY OF SANTA CRUZ, STATE OF CALIFORNIA

RESOLUTION NO.

On the motion of Supervisor
Duly seconded by Supervisor

the following resolution is adopted:

RESOLUTION AUTHORIZING THE SHERIFF-CORONER TO APPLY AND ACCEPT FUNDS DURING FISCAL YEAR 1999-2000 FOR MARIJUANA SUPPRESSION PROGRAM GRANT AND CANNABIS ERADICATION PROGRAM GRANT.

WHEREAS, the Board of Supervisors of Santa Cruz County desires to apply to the Office of Criminal Justice Planning (hereafter referred to as OCJP) to fully fund the project designated as the Marijuana Suppression Program and to accept \$24,500.00 from the United States Department of Justice Drug Enforcement Administration for marijuana related overtime expenditures.

NOW, THEREFORE, BE IT RESOLVED AND ORDERED that the Sheriff-Coroner of the County of Santa Cruz is authorized, on its behalf, to submit the application for state funds for the Marijuana Suppression Program grant to the Office of Criminal Justice Planning and to receive \$24,500.00 from the Drug Enforcement Administration. The Sheriff-Coroner is authorized to execute on behalf of the Board of Supervisors of the County of Santa Cruz, a grant application together with the Marijuana Suppression Program Mission Statement, attached hereto and made an integral part of the grant application proposal by reference, including any extensions or amendments thereof.

BE IT FURTHER RESOLVED AND ORDERED that grant funds received hereunder shall not be used to supplant expenditures controlled by this body.

IT IS AGREED that any liability arising out of the performance of this Grant Award Agreement, including civil court actions for damages, shall be the responsibility of the grant recipient and the authorizing agency. The State of California and the Office of Criminal Justice Planning disclaim responsibility for any such liability.

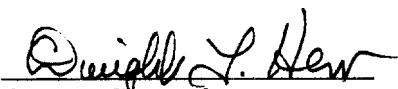
PASSED AND ADOPTED by the Board of Supervisors of the County of Santa Cruz, State of California this _____ day of _____, 1999 by the following vote:

AYES:	SUPERVISORS
NOES:	SUPERVISORS
ABSENT:	SUPERVISORS
ABSTAIN:	SUPERVISORS

Chairperson of the Board of Supervisors

ATTEST: _____
Clerk of the Board

APPROVED AS TO FORM:



County Counsel

DISTRIBUTION:

1998 SHERIFF'S OFFICE MARIJUANA ENFORCEMENT TEAM YEAR END SUMMARY

Marijuana cultivation and trafficking in Santa Cruz County continues to be an ongoing community problem. The Sheriff's Office has seen a number of different trends evolve over the past several years. During the 1998 calendar year, the number of marijuana plants seized from outdoor marijuana gardens decreased, while the number of marijuana plants seized from indoor cultivation cases increased. This can be explained by a number of factors including reduced helicopter flight time and developed expertise with indoor marijuana cultivation cases.

Two years ago, Sheriff Tracy agreed to reduce helicopter flight time used by the Marijuana Enforcement Team to 60 hours per fiscal year. In 1998 the Marijuana Enforcement Team flew 28 hours while conducting marijuana eradication and reconnaissance. The Sheriff's Office provided the Auditors Office with quarterly reports documenting the flight hours that were used.

Two Sheriff's Deputies and one halftime Deputy District Attorney were funded by the MSP (Marijuana Suppression Program) grant through the State Office of Criminal Justice Planning to conduct marijuana investigations and prosecutions. This year completed the second year of the State funding and began the third year of the grant cycle. The United States Department of Justice Drug Enforcement Administration provided the Sheriff's Office with \$35,000.00, which paid for overtime costs accrued during marijuana investigations.

The Compassionate Use Act of 1996 (medical marijuana) has not impacted the marijuana enforcement program. In 1998 the Marijuana Enforcement Team investigated one case that was determined to be a legitimate medical claim. The investigating deputies are instructed to follow a Sheriffs Office protocol when a medical cases arises. This protocol includes determining the nature of the patient's illness and obtaining the name of the treating physician. If the amount of marijuana found in the patient's possession is for personal use, then the deputies take a small, random sample of one of the marijuana plants and write a report documenting the incident. The marijuana plants and any associated equipment are left with the patient.

The following is a case by case summary of the Marijuana Enforcement Team's activities for 1998:

<u>DATE</u>	<u>CASE#</u>	<u>PLANTS</u>	<u>INDOOR</u>	<u>PLANTS</u>	<u>OUTDOOR</u>	<u>LOCATION</u>
01-14	98-00442	218				Greenview, B.C.
01-21	98-00713	251				Visitar, Felton
01-26	98-00914	60				Fairview, B.C.
03-04	98-02355	583				El Sereno, Aptos
03-24	98-03151	330				Cliff Dr., Aptos
04-07	98-03695	10				Vista Mar, Aptos
04-15	98-03996			8		Freedom Blvd.
04-2 1	98-04248	18				Laguna, S.C.
04-23	98-04334	177				Cedar St., S.C.
04-27	98-04469	116		54		Paul Sweet, S.C.
04-28	98-045 12			83		Carbonera, S.C.
04-29	98-04540	30				Wilkes Circ., S.C.
05-20	98-05370	33				Centennial, S.C.
05-20	98-05370	54		15		National, S.C.
06-03	98-05985			120		Bear Creek, B.C.
06-09	98-06229			69		Bear Creek, B.C.
06-16	98-06574			57		North Coast
06-19	98-06686	212				Davenport
06-26	98-06985	887				Villa Glen, S.V.
06-30	98-07224			9		summit
07-01	98-07223			500		Bear Creek

<u>DATE</u>	<u>CASE#</u>	<u>PLANTS</u>	<u>INDOOR</u>	<u>PLANTS</u>	<u>OUTDOOR</u>	<u>LOCATION</u>
07-09	98-07523			7		Lompico
07-10	98-07547	63				Fox Ct., S.V.
07-18	98-07885			9		Conference, S.V.
07-27	98-08201			2		36th Ave., S.C.
07-30	98-083 14			1		Hawthorne, Wats.
08-05	98-08563	13				Tierra Alta, Wats.
08-05	98-08582			50		Branciforte, S.C.
08-06	98-08636			12		Soquel
08-07	98-0875 1			40		North Coast
08-13	98-08902			2		Olive St., S.C.
08-18	98-09107			19		Meredith, Wats.
08-19	98-09140			1		Bockius, Wats.
08-24	98-09348			4		summit
08-24	98-09349			1,560		summit
08-25	98-09378	10		10		Granite Creek
08-25	98-093 87			10		Skyline Blvd.
08-25	98-09373			6		Big Basin, B.C.
08-25	98-09379			21		Soquel
08-26	98-094 15			4		Mt. Bocci
08-26	98-09416			60		Mt. Bocci
08-26	98-09417			44		High. 129, Wats.
08-26	98-09418			29		High. 129, Wats.
08-27	98-09485			20		North Coast
08-3 1	98-09654			20		North Coast
09-02	98-09752			215		High. 129
09-03	98-09798			30		Bear Creek
09-2 1	98-10523			10		Lake Blvd., Felton
09-22	98-10552	569				Hillcrest, B.L.
09-25	98-10653	12				La Selva, Aptos
1 0-02	98-10919			50		Soquel
1 0-03	98-1 1000			34		Felton
1 0-06	98-11121			15		College Rd., Wats
1 0-07	98-11151			421		Paul Sweet, S.C.
1 0-08	98-1 1179	46				Branciforte, S.C.
10-13	98-1 1361			3		Hardin, Soquel
10-16	98-11490	12				Emiline, S.C.
10-27	98-1 1891	52				E. Cliff, S.C.
1 0-29	98-1 1978	8				Sycamore, S.C.
1 1-04	98-12217	39				Manzanita, Felton
1 1-05	98-12247	510				Oxford Way, S.C.
1 1-09	98-12387	96				Bonny Doon
11-13	98-12517	2				7th Ave., S.C.
11-14	98-12645					Sailfish Dr., Aptos

DATE CASE# PLANTS INDOOR PLANTS OUTDOOR LOCATION

12-03	98-13175	818	Fern Flat, Aptos
12-15	98-13580	384	Nunes Rd., Aptos
12-19	98-1 3688	40	Capitola Rd., S.C.
12-21	98-13764	2	Capitola Rd., S.C.

The following is the Sheriff's Office Marijuana Enforcement Team 1998 statistical summary:

1. Marijuana Plants (outdoor)	3,626
2. Marijuana Plants (indoor)	5,717
3. Outdoor Cultivations	40
4. Indoor Cultivations	32
5. Average Plants Per Case	130
6. Processed Marijuana	127 lbs.
7. Firearms Seized	16
8. Money Seized	\$362,315.00
9. Vehicles Seized	4
10. Property Seized	1
11. Search Warrants Served	39
12. Total Arrests	103
13. Total Cases	83
14. Total Cultivation Cases	69
15. Cultivations Under 'Ten Plants	16
16. Total Medical Cases	1
17. Total Flight Hours	28

MARIJUANASUPPRESSIONPROGRAM

GRANTPROPOSAL

FY1999/2000

Presented by:

Santa Cruz County Sheriff's Office
Mark Tracy, Sheriff-Coroner
April 6, 1999

MARIJUANA SUPPRESSION PROGRAM

MISSION STATEMENT

Commercial growers and traffickers of marijuana pose a serious criminal problem in Santa **Cruz** County. Santa Cruz County's experience, which is not unique, is that some of these growers and traffickers of marijuana also have serious and sometimes violent crime associated with their illegal enterprises.

Because of other demands placed on our law enforcement resources by an increasing population and constrained local budgets, it essential that the County of Santa Cruz obtain funds disbursed through the Office of Criminal Justice Planning to address the problem of commercial marijuana growers and traffickers.

Santa **Cruz** County's FY 1999/2000 Marijuana Suppression Program grant application is intended to address the County's marijuana problem in an integrated manner, which provides maximum coordination between the **Sheriff's** Office and the District Attorney's Office.

Cultivation and sales of any amount of marijuana in California is a felony. Generally **speaking**, local jurisdictions address the lower level activities through the use of existing law enforcement resources. It is the purpose and intent of the County of Santa Cruz in applying for these specific grant funds to reduce the cultivation and sales of commercial quantities of marijuana and thereby also reduce other serious and sometimes violent crime which is known to be associated with such activities. Because commercial

Page 2

cultivation and sales operations and the violent crime associated with them are of such a serious nature, the Marijuana Enforcement Program will target these types of commercial cases.

The Marijuana Suppression Program utilizes the assistance of other public agencies which have access to helicopters. If not operated with an appropriate level of regard to the general public, helicopters may cause a disruption of normal levels of peace, quiet and privacy. The operation of any helicopter associated with the Marijuana Suppression Program in Santa Cruz County shall comply with the rules and regulations of the Federal Aviation Administration.

Additionally, this grant is applied for by the Board of Supervisors with the expressed understanding that nothing in the Statement of Purpose or any other section of this grant is intended to limit free speech, **freedom** of expression, or to target the beliefs of any group or organization, regardless of political point of view.

By applying for Marijuana Suppression Program grant funds, the County of Santa Cruz can address the serious criminal problem of commercial level marijuana growers, dealers and **traffickers**, with who there is known to be violent crime.

The Board of Supervisors shall monitor Marijuana Suppression Program efforts through a yearly report submitted to the County Administrative Office by the **Sheriff**. This monitoring will provide the mechanism to assure the State and our community that these

Page 3

grant funds are utilized in a manner which will address the specific problem stated above in this Mission Statement.

This Mission Statement is not intended to restrict the Sheriff or the District Attorney in the performance of their duties, but instead is intended to add clarity regarding the purpose of the acceptance and appropriation of these grant **funds** and the operation of the Marijuana Enforcement Program.

This Mission Statement shall become part of the grant application.

**OFFICE OF CRIMINAL JUSTICE PLANNING (OCJP A301)
GRANT AWARD FACE SHEET**

(OCJP A301)

4 3

The Office of Criminal Justice Planning, hereafter designated OCJP, hereby makes a grant award of funds to the following **Administrative Agency (1)** Santa Cruz County Sheriff's Office hereafter designated Grantee, in the amount and for the purpose and duration set forth in this grant award.

(2) Implementing Agency Name Santa Cruz County Sheriff's Office

Contact Lt. Michael Lillis **Address** 701 Ocean Street #340, Santa Cruz

Telephone (831) 454-2311

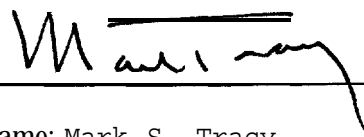
(3) Project Title (60 characters maximum) Marijuana Suppression Program	(6) Award No.
(4) Project Director (Name, Title, Address, Telephone) (four lines maximum) Lt. Michael Lillis 701 Ocean Street #340 Santa Cruz, CA. 95060 (831)454-2311	(7) Grant Period 07-01-99 to 06-30-00
	(8) Federal Amount \$250,000.00
	(9) State Amount -0-
(5) Financial Officer (Name, Title, Address, Telephone) (four lines maximum) Paul Crawford-Senior Financial Analyst 701 Ocean Street #340 Santa Cruz, CA. 95060 (831)454-2992	(10) Cash Match -0-
	(11) In-Kind Match -0-
	(12) Total Project Cost \$250,000.00

...e page ...osal for the grant which is attached and made a part hereof, and the Assurance of Compliance forms which are being submitted. The grant recipient signifies acceptance of this grant award and agrees to administer the grant project in accordance with the statute(s), the Program Guidelines, this Request for Application (RFA) and the OCJP Grantee Handbook. The grant recipient further agrees to all legal conditions and terms incorporated by reference in the Program Guidelines, this RFA, and the OCJP Grantee Handbook.

FOR OCJP USE ONLY

Item:
Chapter:
PCA No.:
Components No.:
Project No.:
Amount:
Split Fund:
Split Encumber:
Year:
Fed. Cat. #:
Match Requirement:
Fund:
Program:
Region:

**(13) Official Authorized to Sign for
Applicant/Grant Recipient**



Name: Mark S. Tracy
Title: Sheriff/Coroner
Address: 701 Ocean Street #340
Santa Cruz, CA. 95060
Telephone: (831) 454-2985
Date: 04-05-99

I hereby certify upon my own personal knowledge that budgeted funds are available for the period and purposes of this expenditure stated above.

Fiscal Officer, OCJP Date

Executive Director, OCJP Date

PREFERENCE POINTS CERTIFICATION

44

Use this format if one is not provided by the Lead agency.

DATE: April 6, 1999

TO: OFFICE OF CRIMINAL JUSTICE PLANNING

FROM: Community Contact
Enterprise Zone Program

SUBJECT: PREFERENCE POINTS

(check **only** one **box**)

☐ (5%) The applicant named below has targeted this enterprise zone for grant-related activities.

☒ (2%) The applicant **named** below **has** not **specifically** targeted this enterprise zone for grant-related **activities**. However, the applicant provides needed **services** to residents of this community.

Applicant Name: County of Santa Cruz, Sheriff's Office

Project Name: Cultivation Erradication

Address: 701 Ocean St, Room 340, Santa Cruz, CA


Program Zone: County of Santa Cruz

I **certify** that I have reviewed the proposed project and that it meets **the eligibility** requirements for **preference** points as required by California Government Code **Section 7082**.

The project will respond to requests for assistance relative to marijuana cultivation in the City of Watsonville.

Jeff Wells
Print Name of Enterprise Zone Contact

Enterprise Zone Coordinator
Title


Signature of Enterprise Zone Contact

4-5-99
Date

City of Watsonville, Housing & Economic Development

Name of Enterprise **Zone** Agency

P.O.Box 50000, Watsonville, CA 95077-5000

Address

(831) 728-6152

()

Telephone Number

1. PROBLEM STATEMENT

A. DESCRIPTION OF THE COUNTY

Santa Cruz County is located on the Monterey Bay and is surrounded by San Mateo County, Santa Clara County, San Benito County and Monterey County. Santa Cruz County is geographically the second smallest County in the State with 439 square miles. The population of Santa **Cruz** County is approximately 230,000. The California Department of Finance reported the following population figures in 1998:

*Unincorporated County.....	136,800-54.6%
*Santa Cruz City.....	54,600-21.8%
* Watsonville City.....	37,150-14.8%
*Capitola City.....	11,050-4.4%
* Scotts Valley City.....	10,550-4.2%

Santa Cruz County is mostly rural with a vast coast line and remote mountainous areas. Many parts of Santa **Cruz** County are now bedroom communities for people working in Santa Clara County's Silicon Valley. The economic composition of the residents vary **from** low income families to highly paid corporate executives working in the computer industry. The Pajaro Valley (**Watsonville** area) is a thriving agricultural community and has some light industry.

For some residents, the marijuana culture in our County is not a hobby, but a way of life. We have found over the years that a significant number of people in our County make their income **from** growing and selling marijuana. Marijuana cultivators and dealers who have been arrested in the past range in age **from** teenagers to people in their 70's.

The underlying reason for a majority of growers and dealers participating in their illegal ventures is economics. We have been told by many of these people that growing and selling marijuana affords them a comfortable lifestyle without having to work a conventional job.

Complacency, lack of parental direction/supervision, the presence of a counter culture life style, the presence of a large number of college age students at UC Santa Cruz and a laid back attitude about drugs in general are just a number of many reasons why the illegal drug culture in Santa Cruz County exists today. During the last three years we have been able to educate the Courts and Probation Department about the revenue that commercial marijuana growers generate while growing and selling marijuana. Often, **stiff fines** are handed down however, the misconception that marijuana is a “benign” or “soft” drug permeates throughout the community and criminal justice system. For example, a commercial grower involved with cultivating 100 marijuana plants and is a first time offender typically receives a similar jail sentence as a street corner dealer who is caught selling a quarter gram of heroin or cocaine.

We need to continue to educate the community and the Courts that marijuana cultivation and sales is a continuing criminal enterprise that includes money laundering, tax evasion and sometimes violence. The Sheriff’s Office has recently investigated several home invasion robberies where the motive was the **theft** of marijuana.

B. PROBLEMS AND NEEDS

If one looks at the statistical figures mentioned below it is painfully apparent that our county indeed has a marijuana problem. Plant seizures, weapon seizures and asset

seizures have all risen. Much of this success can be attributed to the MSP Grant and the fact that we have two full time marijuana detectives and a halftime marijuana prosecutor. Because of current **staffing** issues and other projects it is impossible for the Sheriffs Office to fund two detectives without the assistance of this grant. Further, **if it** were not for the MSP Grant, cases that are submitted to the District Attorney's Office would be prosecuted by a variety of deputy district attorney's thereby precluding consistent sentencing guidelines.

PLANTS SEIZED INDOORS	PLANTS SEIZED OUTDOORS
1995.....1,706	1995.....4,893
1996.....9,666	1996.....8,080
1997.....4,515	1997.....10,376
1998.....5,717	1998.....3,626

It is **difficult**, if not impossible, to accurately estimate the availability of marijuana to the community. However, with current prices holding steady at **\$4,200.00** to **\$5,000.00** a pound, it is believed that our program is making a significant impact by reducing the supply of locally grown marijuana to the community. By continuing our air surveillance program in the Summer months, we have significantly reduced the number of outdoor marijuana plants being confiscated. During the past three years we have seen the trend of increased indoor plant seizures and decreased outdoor plants seizures.

C. ANTICIPATED IMPACT

The Sheriff's Office will meet the needs of the County on several levels. From the enforcement side the Marijuana Enforcement Team will continue to search for outdoor

marijuana cultivations in the Spring and Summer months. Team members will focus their activity on indoor growers and traffickers in the Fall and **Winter** months. We have seen a recent trend of seizing more marijuana plants from indoor cultivation cases than outdoor cultivation cases. It would appear that team members are impacting the County by reducing the number of outdoor cultivations and driving the growers indoors.

Team members will provide marijuana related training to other deputies as well as outside law enforcement agencies. Team members will work closely with the assigned Deputy District Attorney to insure that strict prosecutions continue with cases generated by team members.

By eliminating the number of outdoor cultivations, the Marijuana Enforcement Team will reduce the amount of marijuana being made available to the community. Through training and coordination with the District Attorney's Office the quality of cases will continue to increase and stricter sentences will be handed down to commercial marijuana growers and dealers.

D. PROPOSITION 215

The Compassionate Use Act of 1996 has had minimal impact on the day to day operations of the **Sheriff's** Office Marijuana Enforcement Team. The goal of the Marijuana Enforcement Team is to disrupt the flow of locally grown marijuana **from** the commercial growers/dealers to the community and schools. In order for a person to be protected under the umbrella of 11362.5 H&S, the amount of marijuana being grown must be for personal consumption. Because the Marijuana Enforcement Team's intention is to investigate commercial growers, very few personal use medical cases are investigated.

A protocol has been implemented within the **Sheriff's** Office for instances where medical cases are found. When a person is found in possession of a small number of marijuana plants and has a serious medical condition the investigating deputy inquires about the following:

1. The nature of the person's illness.
2. Their doctor's written recommendation. If no written recommendation exists, the person is asked for the name of the doctor that recommended marijuana use.
3. The deputy obtains a random sample of the marijuana plant(s) and later places the sample into evidence.
4. The Deputy writes a report documenting the incident and attaches any relevant medical documentation to the report.
5. In a case where a patrol deputy locates a medical marijuana case, the patrol deputy contacts a Marijuana Enforcement Team member and advises the team member of the facts surrounding the case.

If a person is found in possession of marijuana plants and claims he/she is a Primary Care Giver the investigating deputy inquires about the name of the serious ill person that the care giver is responsible for. The deputy asks relevant questions including what the day to day responsibilities of the Primary Care Giver are to the ill person.

PLAN

OBJECTIVE LE-1

Members of the Marijuana Enforcement Team will network with the California Air National Guard and utilize resources that are available to fly air reconnaissance in the Spring and Summer months for outdoor marijuana gardens. Once a substantial number of marijuana gardens are located, team members will utilize CAMP (Campaign Against Marijuana Planting) and other local resources to eradicate the outdoor marijuana sites. This will effectively reduce the supply of marijuana that would otherwise be made available to local communities and schools.

In the Fall and Winter months, team members will focus their work effort towards locating commercial indoor marijuana cultivations and large level traffickers. Using tips from citizens and informants, as well as other investigative techniques, team members will acquire information that will allow them to locate and stop the influx of marijuana to Santa Cruz county.

Team members will utilize resources from the Drug Enforcement Administration and local agencies to assist them with both their indoor and outdoor marijuana investigations. The DEA will be notified of the existence of large level cases and will have the option of adopting cases for federal prosecution.

Team members will coordinate with the assigned deputy district attorney in cases where search warrants are needed and arrests are likely. Team members will make reports, photographs, video tape and evidence available to the assigned deputy district attorney so that thorough prosecution is possible.

Team members will be trained in all facets of marijuana investigation and court room testimony. This training will insure that quality cases will be submitted to the assigned deputy district attorney for prosecution.

PROJECTED NUMBER

1. Indoor marijuana cultivation sites detected	<u>35</u>
2. Indoor marijuana cultivation sites eradicated	<u>35</u>
3. Outdoor marijuana cultivation sites detected	<u>30</u>
4. Outdoor marijuana cultivation sites eradicated	<u>30</u>
5. Marijuana plants confiscated	<u>12,000</u>
6. Processed marijuana (in pounds) confiscated	<u>100</u>

PLAN

OBJECTIVE LE-2

Marijuana enforcement Team members will locate commercial marijuana cultivations and marijuana trafficking organizations utilizing a variety of investigative techniques. Outdoor cultivations will be located via overflights, citizen tips and informants. Indoor cultivations will be discovered via citizen tips and informants.

Once a commercial marijuana grow or a **trafficking** organization has been identified, team members will conduct surveillance, obtain court orders and deliver subpoenas for relevant information about the case they are working. Team members will consult with other agency's data bases for information about the suspect(s) in their case. When appropriate, team members will contact **WSIN** (Western States Intelligence Network) for information about the organization they are investigating.

Once all pertinent information has been collected and probable cause has been established team members will obtain search warrants for the location the suspect's are utilizing to conduct their illegal enterprise. The assigned deputy district attorney will assist with search warrant preparation and provide legal advice to team members.

After team members obtain a search warrant, they will plan the execution of the warrant so that the warrant is served safely and effectively. All evidence will be collected and booked into the **Sheriff's** Office property room. Any assets that were determined to be derived from the sale of controlled substances will be seized and asset forfeiture proceedings initiated. Team members will interview all suspects and witnesses and then

write a detailed report outlining the facts of the case. The written reports will then be delivered to the assigned deputy district attorney for review and prosecution.

If a case is found to be substantial the Drug Enforcement Administration will be notified and given the option of adopting the case for federal prosecution. If a case is adopted by the federal government all evidence and assets will be turned over to the federal agent in charge of the case.

When appropriate, the **Sheriff's** Office Press Information Officer will be notified of significant seizures and arrests. The Press Information Officer will determine how information about the case will be disseminated to the media.

PROJECTED NUMBER

- | | |
|---|--------------|
| 1. Investigations initiated for marijuana cultivation and trafficking | _____75_____ |
| 2. Investigations resulting in arrests | _____60_____ |
| 3. Search warrants served | _____30_____ |
| 4. Total arrests | _____75_____ |
| 5. Referrals for prosecution | _____65_____ |

PLAN

OBJECTIVE LE-3

During the service of a search warrant or during a consent search team members will examine financial documents of the marijuana grower/dealer. Team members will look through the suspect residences for cash, safety deposit box keys, pay/owe sheets and any other instrument that could have value to the marijuana grower/dealer.

When assets are found that are reasonably believed to be derived from the sale of marijuana, team members will initiate an asset forfeiture investigation. Team members will conduct a financial interview with the suspect and ascertain the suspect's actual legitimate income. Team members will serve the suspect with asset forfeiture paper work and then deliver the forms to the Deputy District Attorney in charge of asset seizure cases.

When U.S. currency is seized, team members will either place the money into evidence or deliver the currency to the Investigation Sergeant in charge of asset seizure cases. The Investigation Sergeant will then place the cash into the **Sheriff's Office Pre-litigation Account**. If a vehicle is seized team members will temporarily store the vehicle at a local tow yard. Team members will contact Nationwide Auction and request the vehicle be picked up for long term storage. After the case has been adjudicated, Nationwide Auction will sell the vehicle and send the proceeds to the **Sheriff's Office** for disbursement.

When the Drug Enforcement Administration adopts a Marijuana Enforcement Team case, all assets will be turned over to the DEA agent in charge of the case. Team

members will monitor the status of the prosecution and keep in contact with the agent in charge of the case.

PROJECTED NUMBER

1. Investigations resulting in asset seizures	<u>20</u>
2. Estimated dollar value of real property seized	<u>\$50,000.00</u>
3. Estimated dollar value of personal property seized	<u>\$25,000.00</u>
4. Amount of cash seized	<u>\$50,000.00</u>

PLAN

OBJECTIVE LE-4

To insure that Marijuana Enforcement Team members are highly trained skilled investigators the current training plan calls for both team members to have **successfully** completed the DEA **Overflight** School. The current team members have also successfully completed the DEA Indoor/Outdoor Marijuana Investigators School. Both team members and the assigned Deputy District Attorney attended the annual California Narcotic Officers Association (CNOA) conference and the annual Campaign Against Marijuana Planting (CAMP) conference.

In the past, team members have provided formal training to other **Sheriff's** Office employees and have taught at a POST (Police Officers Standards and Training) certified class.

For the upcoming grant cycle, team members will continue to attend the annual CNOA and CAMP conferences. If the DEA or DOJ offer an advanced marijuana investigators school team members will be encouraged to attend. If there is a change in personnel, the new team member will attend the DEA Overflight School and the DEA Indoor/Outdoor School.

Team members will continue to provide marijuana related training to patrol personnel and outside agencies as requested. Deputies will be encouraged to assist team members with the service of search warrants and the eradication of outdoor marijuana gardens. When this occurs, team members will provide training to personnel while in field.

On going communication between the assigned Sheriff's Office personnel and the assigned deputy district attorney will ensure that both the enforcement and prosecution sides of the grant learn the same information.

PLAN

OBJECTIVE LE-5

Marijuana Enforcement Team members will provide information to the public about the dangers and myths of marijuana. This will be done using the media via press releases, attending community forums and providing presentations to local schools, clubs and churches. Team members have attended similar functions in the past and have been well received.

When a significant case occurs the **Sheriff's** Office Press Information Officer will be advised and provide the media with a press release and/or on camera statement.

The **Sheriff's** Office currently has an effective DARE program in place throughout the County that educates local children about the dangers of drugs and violence.,.

PROJECTED NUMBER

Educational forums/presentations	- 3 -
----------------------------------	-------

OBJECTIVE D.A.-I:**Increase the conviction rate of felony marijuana cultivators and traffickers.**

Marijuana cultivators are drawn to Santa Cruz County because of the attractive climate, mountainous and rural geography, and the general social acceptance of marijuana use. An additional factor may be the perception of relative lenient treatment by the courts. Marijuana cultivation has another interesting aspect to it in that it tends to lure a larger percentage of middle class citizens due to its profit margin, low risk, including lesser penal sanctions. One additional factor contributing to the challenge of prosecuting marijuana cultivators is the current trend in the location of the marijuana grow. We are seeing a decrease in outdoor cultivation and a substantial increase in indoor cultivation. The use of upscale residences in middle class neighborhoods to cultivate marijuana indoors makes the detection of these gardens all the more difficult for law enforcement.

In spite of the increase in sophistication of the cultivators as well as the move indoors, the prosecution of the marijuana cultivators has successfully increased, due to the efforts of the Marijuana Enforcement Team, in conjunction with the MSP prosecutor. The District Attorney's Office has currently assigned a senior MSP prosecutor who works with the Sheriffs 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 involves helping to evaluate potential referrals at the investigative and pre-arrest stages, as well as handling court appearances at arraignments, Grand Jury sessions, and/or preliminary hearings, pretrial proceedings, trials, sentencing hearings, diversion review hearings and probate/parole violation hearings.

The successful prosecution of felony marijuana cultivators and traffickers requires a knowledgeable, diligent, persistent and specially skilled prosecutor to understand the complexities of the trade and specific legal applications, as well as the sophistication of

a particular marijuana cultivator (i.e., hydroponic versus soil cultivation, COT tanks, reflective mylar, fertilizers, Ph solutions, electrical wiring, kilowatt usage, etc.). A prosecutor's specialized in MSP cultivation cases can better assist the Sheriff's Office Marijuana Suppression Team as well as other agencies in successfully prosecuting cases through the courts via vigorous vertical prosecution of new referrals from arraignment through sentencing and an aggressive pursuit of probation and parole violations against previous violators who reoffend.

The change in the location of the indoor versus outdoor marijuana grow will require a greater degree of focus and greater resource commitment to maintain, and even increase, the high conviction rate already achieved. Detection will be a greater problem, requiring increased pre-arrest strategies and the use of soundly prepared search warrants. The unpopularity of the crime in this community requires a specially designated MSP prosecutor who can come up with specialized knowledge and skills, and maintain credibility with the various components of the criminal justice system, including the courts.

We anticipate the great majority of cultivation cases referred for prosecution will continue to be generated by the Sheriff's Office Marijuana Suppression Team. Continuing referrals are expected from police agencies operating within their own jurisdictions and from the county-wide Interagency Narcotics Enforcement Team (SCCNET). A number of cases were submitted during the second quarter of the previous grant year from the Santa Cruz Police Department. Street level sales of marijuana is a continuing problem within the downtown Santa Cruz area. Merchants complain that the dealers loiter in front of their businesses, harass and disturb retailers and customers, and deter potential customers from the downtown businesses. The large supply of marijuana available for resale and the notion that Santa Cruz courts are lenient in this area, also attract transients to our county who support themselves by selling marijuana in the downtown Santa Cruz area. 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 reflect the anticipate caseload for the upcoming grant year.

Adequate **case tracking** is assured through five complementary data capture methods:

1. A case intake log and disposition log for all referred cases for filing is maintained throughout the grant term;
2. Defendant data forms for each defendant accepted into the grant program;
3. An office mainframe based case management system (PROFILE) is used to capture the court's minute orders subsequent to each court appearance in all cultivation **cases**;²
4. Actual case files for each defendant; and
5. Daily timesheets recording the assigned prosecutor's time spent on 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. He/she 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.

¹ Since prosecutions are conducted against named individuals, each person referred to the District Attorney's Office is counted as a separate case.

² Profile is an online system which can be accessed by both District Attorney and Sheriff personnel. It is used to keep project personnel apprised of future court events and appearance dates (historical data is also maintained), and also tracks referring agency, charges and defendants (including aliases), case dispositions and sentences imposed.

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

PROJECTED NUMBER

1.	Cultivators and traffickers referred for prosecution	<u>180</u>
2.	Complaints filed	<u>155</u>
3.	Prosecutions resulting in convictions	<u>150</u>

OBJECTIVE: D.A.-II:

Provide specialized services to law enforcement personnel to improve the quality of marijuana prosecution efforts.

The project attorney is assigned to work with the Sheriffs Office and other law enforcement agencies on the MSP grant. His/her duties include assisting in the preparation of search warrants, meeting with law enforcement personnel on pre-arrest strategies, providing the other necessary legal assistance and training, and participating in the D.A.R.E. Program. The need for a project attorney who provides the exclusive work on MSP cases continues to be more and more advisable because of the change in the "growing season" from seasonal to year round and the continually "growing" sophistication of the marijuana cultivators. The relatively recent onset of the medical marijuana defense has also highlighted the need for the specially assigned prosecutor to assist law enforcement personnel and better prepare for trial where this defense is made.

The use of a project attorney allows the District Attorney's Office to provide enforcement personnel with timely and specialized legal services on an as-needed basis, greater continuity between cases, expedient warrant preparation efforts and minimized legal challenges to cases which proceed to litigation.

Since marijuana use and cultivation is a highly charged political and social issue in our county, the availability of the project attorney to law enforcement on prevention and eradication policies and pre-arrest strategies is very important and valuable. In addition, legal training is provided to the Sheriffs cultivation team on an ongoing basis. Most of this training is informal and will generally be delivered through contact with the project attorney on the cases being held under the grant. There also are a number of more structured training sessions provided to the team in the areas of "search and seizure," "open fields doctrine," exigent circumstances searches, and Miranda warnings.

The project attorney has and will continue to accompany the law enforcement personnel during the execution of select search warrants.

Coordination of efforts with the federal authorities will also be continued during the new grant period.

All warrant requests pursued under the proposed grant will be handled by the project attorney.³ Current practices within this county provide that any sitting judge may sign a cultivation related search warrant. As a policy objective, the project attorney will continue to seek to have all search warrants signed only by felony level judges.

All law enforcement agencies are advised of the project attorney's status and availability on grant related cases. The project attorney will coordinate county-wide meetings and communications between the Marijuana Suppression Units of all local law enforcement agencies.

The project attorney is designated to be available on grant cases from the early stages, including search warrant preparation and pre-arrest strategy meetings through the conclusion of the case to time of sentencing and even beyond in the event of probation violation proceedings. The project attorney will remain available at all times for on-site presence during execution of search warrants and on-scene legal assistance.

Contact with all law enforcement personnel involved in cultivation cases in this jurisdiction will occur on a daily basis and also occurs periodically throughout the year with similar personnel in other jurisdictions as the occasion arises.

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. Liaison is further promoted through multi-agency access to the case status and appearance information provided by the District Attorney's mainframe based automated case tracking system (PROFILE).

The **procedure** that will be established to provide specialized services to law enforcement personnel are the following:

1. Daily contact with law enforcement personnel.

³ The District Attorney's Office has designated an alternate to provide all grant related services should the regular project attorney become unavailable for periods of sickness or vacation. OCJP will be properly advised should this be required.

2. Law enforcement personnel to call project attorney to apprise of upcoming need for search warrant.
3. Project attorney to monitor progress on search warrant.,
4. Project attorney to review all search warrants before submission to magistrate.
5. Project attorney to attend the scene of execution of search warrant on select cases.
6. Project attorney will submit investigation request to pertinent law enforcement personnel.
7. Project attorney to notify pertinent law enforcement personnel of filing decisions.
8. Project attorney to coordinate with law enforcement personnel on trial preparation and efforts.
9. Project attorney to notify and discuss all intended dispositions with pertinent law enforcement personnel.
10. Project attorney to communicate with pertinent law enforcement personnel for input on sentencing recommendations and issues.
11. Project attorney shall periodically attend law enforcement personnel roll call.

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

PROJECTED NUMBER

- | | | |
|----|--|-------------|
| 1. | Coordination meetings with law enforcement personnel | <u>100"</u> |
| 2. | On-scene legal assistance (OPTIONAL) | <u>10</u> |

* Excluding on-scene legal assistance.

OBJECTIVE: D.A.-III:

Forfeit the assets of marijuana cultivators and traffickers.

All marijuana cultivation cases that are referred from law enforcement agencies are closely examined by a non-grant prosecutor assigned to handle asset forfeiture cases for the purpose of determining their asset forfeiture potential. That attorney aggressively prosecutes all asset forfeiture cases referred by law enforcement. Particular attention is given to cases in which cash or property is seized at the 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).

The **asset forfeiture procedure** and actions taken on marijuana cultivators and traffickers in the county consist of the following:

1. Asset seizures made by participating law enforcement agency.
2. Pertinent documentation submitted to asset forfeiture prosecutor in conjunction with the criminal prosecution.
3. Asset forfeiture prosecutor closely coordinates with project attorney in the handling and disposition of asset forfeiture cases in conjunction with the criminal case.
4. Asset forfeiture prosecutor also regularly confers with law enforcement agencies and provides training as necessary regarding asset forfeiture.
5. Asset forfeiture prosecutor either initiates non-judicial forfeiture or judicial forfeiture as appropriate and follows the case to completion.
6. Asset forfeiture data is maintained by the asset forfeiture and project attorneys.

Data maintained includes name of case, referring agency, number of forfeitures and amount of money forfeited.

7. Upon completion of an asset forfeiture case, component agencies notified by the project prosecutor for timely and proper distributdn of seized assets.

Objective D.A.-IV:

Improve the prosecution of marijuana cases through specialized training.

The project attorney will complete the 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, in the state's Campaign Against Marijuana Planting (CAMP) conference, and the CNOA institute.

The project attorney will regularly provide in-service training to other prosecutors in the office relating to possible legal issues and appropriate dispositions in non-MSP grant and marijuana prosecutions and diversion cases.

The project attorney will provide specific training in the areas of search and seizure law to members of the Sheriffs Marijuana Suppression Team and other law enforcement agencies involved in the suppression of marijuana cultivation. (Refer to Objective D.A.-II)

The project attorney's attendance at OCJP, CAMP and CNOA training conferences which are generally multi-disciplinary in scope and attended by numerous other criminal justice agencies and components, will provide cross training with other agencies.

OBJECTIVE DA-4: Improve the prosecution of marijuana cases through specialized training.

	PROJECTED NUMBER
1. Training hours received	<u>24</u>
2. Trainings provided to share information with others (cross-training)	<u>3</u>

Objective D.A.-V:**Provide information to the public to prevent illegal use of marijuana.**

The project attorney will fully participate in all 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 Sheriffs "Media Days," and presentations at various community forums. See Objective L.E.-V for more complete narrative description of these activities.

The project attorney will also respond to specific community needs and concerns related to marijuana based offenses which raise particular issues and problems for the particular constituency such as the downtown business merchants or mall/shopping center merchants.

The project attorney will also continue to educate the public on the limits of the medicinal marijuana defense which remains a big political, if not legal, issue in this county.

OBJECTIVE DA-5: Provide information to the public to prevent illegal use of marijuana. **(OPTIONAL)**

PROJECTED NUMBER

1. Prevention forums conducted in conjunction with law enforcement.

10

IMPLEMENTATION

A. ORGANIZATIONAL DESCRIPTION

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

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 twenty-two sergeants. There are three bureaus within the Office (Operations, Detention and Administration).

The MSP program will work out of the Investigation Division of the Operations Bureau. Team members will work separate **from** the County Narcotic Enforcement Team. The two MSP funded Deputies will be supervised by an Investigations Sergeant, who will report to the Investigations Lieutenant. The Investigations Lieutenant will be supervised by the Operations Chief Deputy, who will report to the Sheriff.

The assigned Deputy District Attorney will be supervised by the District Attorney's Office Chief Deputy of Operations. The Chief Deputy of Operations will report to the District Attorney.

The two assigned Deputy Sheriff's and the 50% **funded** Deputy District Attorney will be funded by MSP monies. All secretarial and administrative assistance will be provided by the Sheriff's Office and District Attorney's Office on an "in kind" basis.

The Investigations Sergeant who supervises the two grant funded Deputies **will** be responsible for insuring that all administrative responsibilities are completed in a timely manner.

IMPLEMENTATION

C. WORKING RELATIONSHIPS

Grant funded employees of the **Sheriff's** Office and District Attorney's Office will work in unison to insure the success of the MSP program. The **Sheriff's** Office will be responsible for the investigation of commercial marijuana related cases. The Sheriffs Office will also be responsible for the day to day operations and management of the grant, as well as fulfilling all reporting requirements. The **Sheriff's** Office will provide administrative support to the MSP program by monitoring the success of the program, providing clerical support and managing the grant **finances**.

The District Attorney's Office will assign one deputy district attorney with felony trial experience to the grant **fifty** percent of the time for the twelve month grant period. The assigned deputy district attorney will vigorously prosecute those marijuana related cases referred by the assigned deputy **sheriff's**. The deputy district attorney assigned to the grant will be available to the assigned deputy sheriffs during normal working hours and will be on-call during non working hours. In addition to prosecuting cases, the assigned deputy district attorney will assist team members with the preparation of search warrants, attend marijuana related schools and seminars and assist with community awareness presentations.

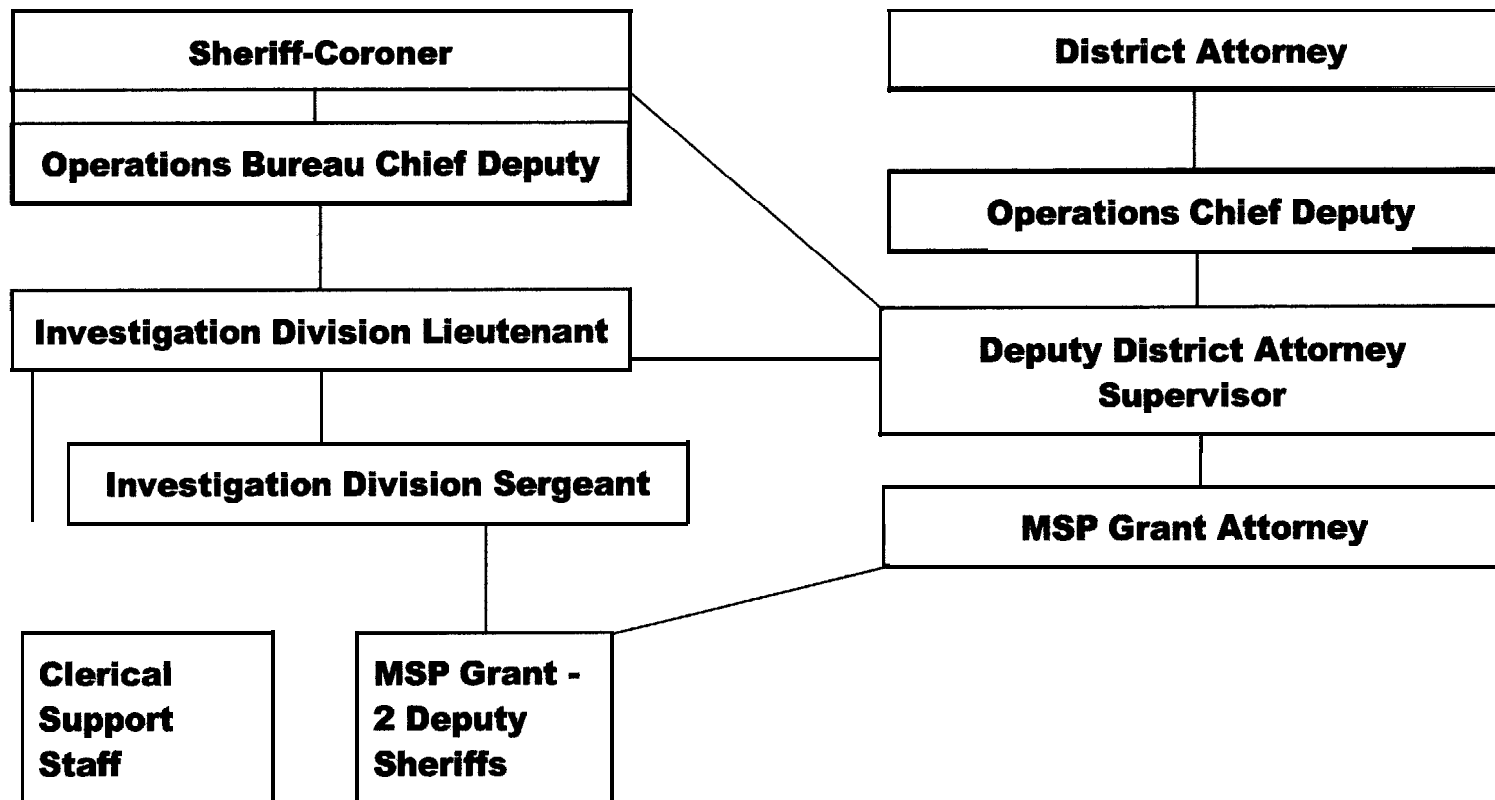
The Operations Chief Deputy District Attorney and the **Sheriff's** Office Chief Deputy will meet quarterly to monitor the effectiveness of communications and assure that the objectives of the grant are being met.

Operational Chart

Santa Cruz County

Sheriff's Office

District Attorney's Office



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 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, trafficking, 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

Ronald L. Ruiz
 District Attorney
 Santa Cruz County

The activities specified in 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 operations 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 to fulfill all reporting requirements for 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 and prosecution effort.

2. The Santa Cruz County District Attorney's Office

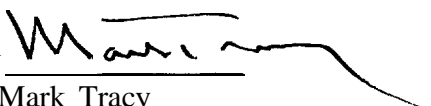
This agency will assign one deputy district attorney with felony trial experience to the Marijuana Suppression Program halftime for the twelve month period. It will be the responsibility of this project attorney to pursue the prosecution component objectives listed in the grant application. The project attorney's responsibilities as a member of the Marijuana Suppression Program will be to participate in the investigation of **all** major marijuana cultivation, sales and trafficking cases generated by the Marijuana Suppression Program 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 of any other legal issues that may arise.

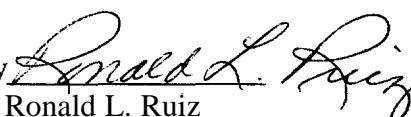
In addition, the project attorney's primary responsibilities will be the vertical prosecution of all major marijuana cultivations, sales and trafficking cases. When scheduling does not permit vertical prosecution the project attorney will be responsible for supervising the cases and managing the best 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 unit in providing training to other deputy district attorney's and law enforcement officers.

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, sales 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 on a regular basis 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 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 5th day of April, 1999.

BY 
 Mark Tracy
 Sheriff/Coroner
 Santa Cruz County

By 
 Ronald L. Ruiz
 District Attorney
 Santa Cruz County

IMPLEMENTATION

E. GRANT JOB DESCRIPTIONS

The Sheriffs Office will assign two highly trained top step deputy **sheriff's** to the Marijuana Suppression Program. The assigned deputies will be fully funded by the grant and will only work marijuana related cases. The assigned deputies will investigate commercial marijuana growers, dealers and traffickers utilizing a variety of investigative techniques including, but not limited to, aerial reconnaissance, surveillance and working with informants and citizens. The assigned personnel will write search warrants, documents cases with written reports, provide expert testimony in court and work closely with the assigned deputy district attorney to insure thorough prosecution of suspects. The assigned personnel will report to an Investigations Sergeant, who will monitor the progress of the grant, as well as the assigned personnel's cases. The Investigations Sergeant will provide assistance when necessary and insure that the assigned personnel have the resources they need to meet their objectives and goals.

The District Attorney's Office will assign one deputy district attorney halftime for the twelve month period to the Marijuana Suppression Program. The assigned deputy district attorney will be an experienced lawyer with felony trial experience. The project attorney will participate in the investigation of all major marijuana cultivation, sales and trafficking cases generated by the Marijuana Suppression unit.

The project attorney's primary responsibilities will be the vertical prosecution of all commercial marijuana cultivators, dealers and traffickers. Specialized services provided by the project attorney will include training in search and arrest warrant preparation,

investigating and arrest strategies and legal update. The project attorney and the assigned deputy sheriff's will keep in continual communication regarding current investigations and pending court cases. The project attorney will report directly to the Operations Chief Deputy District Attorney.

BUDGET CATEGORY AND LINE ITEM DETAIL

000 80
COSTA. Personal Services - **Salaries/Employee** Benefits Page 1 of 2

SALARIES (District Attorney's Office)

\$45,366.00

One level four Deputy District Attorney (half time
for twelve months).

S A L A R Y :

18 pay periods at \$43.11 per hour=\$62,078.00

8 pay periods at \$44.77 per hour= \$28653.00

Total \$90,731.00

Half time salary \$90,731.00 X .50 \$45,366.00

BENEFITS:

\$10,888.00

A. Retirement @.12612 X \$45,366.00=\$5,722.00

B. Insurance @ .50 X \$3,389 =\$1,695.00

C. OASDI @ .0765 X \$45,366.00 =\$3,471.00

Total \$10,888.00

TOTAL

Please continue
on next page

BUDGET CATEGORY AND LINE ITEM DETAIL A. Personal Services - Salaries/Employee Benefits	COST
<p style="text-align: right;">Page 2 of 2</p> <p>SALARIES (Sheriff's Office)</p> <p>Two full time top step Deputy Sheriff's for 12 months. The below noted figures represent the total salaries and benefits for two Deputies.</p> <p>SALARY:</p> <p>26 pay periods @ 26.21 per hour x 2 \$109,034.00</p> <p>BENEFITS:</p> <p>A. PERS Retirement \$54,517 x .11425 x 2 \$12,458.00</p> <p>B. OASDI \$54,517.00 x .0145 x 2 \$1,582.00</p> <p>C. Insurance \$6,881.00 x 2 \$13,762.00</p> <p style="text-align: right;">Total \$27,801.00</p> <p>OVERTIME:</p> <p>In order to successfully investigate the increasing number of indoor marijuana cultivation investigations the following overtime budget is needed,</p> <p>651 hours at \$39.32 \$25,613.00</p>	<p style="text-align: right;">81</p> <p>\$109,034.00</p> <p>\$27,801.00</p> <p>\$25,613.00</p>
TOTAL	\$218,702.00

BUDGET CATEGORY AND LINE ITEM DETAIL

82

B. Operating Expenses .

Page 1 of 2

COST

1. Travel

\$5,948.00

A. CNOA Conference (based on four days) (3)

Registration @ \$250.00 each = \$750.00

Lodging @ \$79.00 per night (2 rooms) = \$632.00

Travel @ \$250.00 each = \$750.00

Car rental @ \$75.00 per day = \$300.00

Per diem @ \$32.00 a day each = \$384.00

Total = \$2,816.00

B. CAMP Conference (based on 4 days) (4)

Registration @ \$125.00 each = \$500.00

Lodging @ \$79.00 per night (3 rooms) = \$948.00

Travel @ \$250.00 each = \$1,000.00

Car rental @ \$75.00 per day = \$300.00

Per diem @ 32.00 per day each = \$384.00

Total = \$3,132.00

2. INDIRECT COST/ADMINISTRATIVE OVERHEAD

\$12,350.00

This cost is based on 5% of the total grant expenditures minus equipment cost. = \$12,350.00

3. AUDIT EXPENSE

\$2,500.00

Flat rate fee of \$2,500.00 = \$2,500.00

4. CONFIDENTIAL FUNDS

\$1,500.00

These funds will be used as described in the Confidential Fund narrative attached in the Appendix and labeled as Attachment A. = \$1,500.00

TOTAL

Please continue to next page

BUDGET CATEGORY AND LINE ITEM DETAIL	83 COST
<div> <div>B. Operating Expenses</div> <div>Page 2 of 2</div> </div> <div> <div>5. MISC. OFFICE SUPPLIES</div> <div>= \$2,500.00</div> <div> <div>These funds will be used to purchase office related items including evidence packaging material and drug test kits.</div> </div> </div> <div> <div>6. FILM AND DEVELOPING</div> <div>= \$3,500.00</div> <div> <div>This expense includes the purchase of rolls of high speed 35 mm film used during overflights and evidence collection.</div> </div> </div> <div>TOTAL</div>	<div>\$2,500.00</div> <div>\$3,500.00</div> <div>\$28,298.00</div>

BUDGET CATEGORY AND LINE ITEM DETAIL

000 84

C. Equipment

Page 1 of 1

COST

1. Camper Shell

=\$1,500.00

\$1,500.00

The camper shell of an existing MSP truck recently broke and is beyond repair. This truck was purchased with with MSP funds in 1994 and is used on a daily basis by the MET team.

2. Uniforms

=\$1,500.00

\$1,500.00

This expense will pay for uniforms, boots eradication supplies and safety gear

CATEGORY TOTAL

\$3,000.00

PROJECT TOTAL

\$250,000.00

FUND DISTRIBUTION	FEDERAL	STATE	CASH MATCH	IN-KIND MATCH
1. Amount of Funds				
2. Percentage of Funds				

OCJP-A303c (Rev. 7/97)

GRANT PROPOSAL INDEX

1. Attachment A - Confidential Fund Justification



County of Santa Cruz

SHERIFF - CORONER

701 OCEAN STREET, SUITE 340, SANTA CRUZ, CA 95060

(831) 454-2985 FAX: (831) 454-2353

MARK TRACY
SHERIFF - CORONER

April 6, 1999

Agenda: April 27, 1999

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

Dear Members of the Board:

The Sheriff's Office is requesting approval from the Board to apply for \$250,000.00 of Marijuana Suppression Program funds for FY 1999/2000. The 1998 Marijuana Suppression Program year end report is finished and was distributed on 04-09-99.

As the Board is aware there are two sources of funds available to the Sheriff's Office to support marijuana eradication efforts. The Cannabis Eradication Program has been part of the Sheriff's Office budget for a number of years and generally is used to pay for overtime costs. The Marijuana Suppression Program funds are used to pay for personnel and operating expenses. The Sheriff's Office is currently in its third year of this grant.

This year the Cannabis Eradication Program funds have been re-authorized at a total of \$24,500.00 by the United States Department of Justice Drug Enforcement Administration. This is a reduction of \$10,500.00 from FY1998/99. These funds are allocated to the County without the submission of a formal grant proposal or resolution.

The County was selected for a three year Marijuana Suppression Program grant in 1996. The third year of the grant will end on 06-30-99. The State Office of Criminal Justice Planning has informed the Sheriff's Office that funds to support this program will, once again be available from the Federal Edward Byrne Memorial State and Local Law Enforcement Assistance Program. The Sheriff's Office is requesting a grant award of \$250,000.00 for FY1999/2000. This is an increase of \$32,150.00 from last year. The increase will offset the \$10,500.00 reduction of Cannabis Eradication Program funds and

MOU pay increases of the assigned personnel. The increase will also pay for a top step level IV Deputy District Attorney, rather than a level III (as in past years).

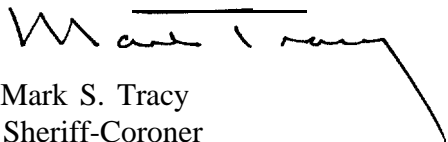
The Sheriff's Office Marijuana Enforcement Team will follow established protocols when investigating medical marijuana cases. By agreement with the Board the Sheriff's Office will use helicopters no more than 60 flight hours during marijuana eradication and reconnaissance operations during FY 1999/2000. The Sheriff's Office has used 28 hours of helicopter flight time during FY 1998/99. The program will be the same as previous years with two full time deputy sheriffs and one halftime deputy district attorney assigned to the grant.

Revenue and expenditure appropriations for both the Cannabis Eradication Program and Marijuana Suppression Program grants will be contained in the proposed FY 1999/2000 budget request.

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

1. Accept and file report of the Sheriff's Office 1998 report on Marijuana Suppression Program activities.
2. Approve the renewal of the Cannabis Eradication Program grant in the amount of \$24,500.00 for FY1999/2000 from the Drug Enforcement Administration.
3. Approve an application and resolution for the Sheriffs Office to receive \$250,000.00 of Marijuana Suppression Program funds from the State Office of Criminal Justice Planning.

Very truly yours,



Mark S. Tracy
Sheriff-Coroner

RECOMMENDED:



SUSAN A. MAUREILLO
County Administrative Officer

BEFORE THE BOARD OF SUPERVISORS
OF THE COUNTY OF SANTA CRUZ, STATE OF CALIFORNIA

RESOLUTION NO.

On the motion of Supervisor
Duly seconded by Supervisor

the following resolution is adopted:

RESOLUTION AUTHORIZING THE SHERIFF-CORONER TO APPLY AND ACCEPT FUNDS DURING FISCAL YEAR 1999-2000 FOR MARIJUANA SUPPRESSION PROGRAM GRANT AND CANNABIS ERADICATION PROGRAM GRANT.

WHEREAS, the Board of Supervisors of Santa Cruz County desires to apply to the Office of Criminal Justice Planning (hereafter referred to as OCJP) to fully fund the project designated as the Marijuana Suppression Program and to accept \$24,500.00 from the United States Department of Justice Drug Enforcement Administration for marijuana related overtime expenditures.

NOW, THEREFORE, BE IT RESOLVED AND ORDERED that the Sheriff-Coroner of the County of Santa Cruz is authorized, on its behalf, to submit the application for state funds for the Marijuana Suppression Program grant to the Office of Criminal Justice Planning and to receive \$24,500.00 from the Drug Enforcement Administration. The Sheriff-Coroner is authorized to execute on behalf of the Board of Supervisors of the County of Santa Cruz, a grant application together with the Marijuana Suppression Program Mission Statement, attached hereto and made an integral part of the grant application proposal by reference, including any extensions or amendments thereof.

BE IT FURTHER RESOLVED AND ORDERED that grant funds received hereunder shall not be used to supplant expenditures controlled by this body.

IT IS AGREED that any liability arising out of the performance of this Grant Award Agreement, including civil court actions for damages, shall be the responsibility of the grant recipient and the authorizing agency. The State of California and the Office of Criminal Justice Planning disclaim responsibility for any such liability.

PASSED AND ADOPTED by the Board of Supervisors of the County of Santa Cruz, State of California this _____ day of _____, 1999 by the following vote:

AYES:	SUPERVISORS
NOES:	SUPERVISORS
ABSENT:	SUPERVISORS
ABSTAIN:	SUPERVISORS

Chairperson of the Board of Supervisors

ATTEST: _____
Clerk of the Board

APPROVED AS TO FORM:

Quigley L. Hen
County Counsel

DISTRIBUTION:

1998 SHERIFF'S OFFICE MARIJUANA ENFORCEMENT TEAM YEAR END SUMMARY

Marijuana cultivation and trafficking in Santa Cruz County continues to be an ongoing community problem. The Sheriff's Office has seen a number of different trends evolve over the past several years. During the 1998 calendar year, the number of marijuana plants seized from outdoor marijuana gardens decreased, while the number of marijuana plants seized from indoor cultivation cases increased. This can be explained by a number of factors including reduced helicopter flight time and developed expertise with indoor marijuana cultivation cases.

Two years ago, Sheriff Tracy agreed to reduce helicopter flight time used by the Marijuana Enforcement Team to 60 hours per fiscal year. In 1998 the Marijuana Enforcement Team flew 28 hours while conducting marijuana eradication and reconnaissance. The Sheriff's Office provided the Auditors Office with quarterly reports documenting the flight hours that were used.

Two Sheriff's Deputies and one halftime Deputy District Attorney were funded by the MSP (Marijuana Suppression Program) grant through the State Office of Criminal Justice Planning to conduct marijuana investigations and prosecutions. This year completed the second year of the State funding and began the third year of the grant cycle. The United States Department of Justice Drug Enforcement Administration provided the Sheriffs Office with \$35,000.00, which paid for overtime costs accrued during marijuana investigations.

The Compassionate Use Act of 1996 (medical marijuana) has not impacted the marijuana enforcement program. In 1998 the Marijuana Enforcement Team investigated one case that was determined to be a legitimate medical claim. The investigating deputies are instructed to follow a Sheriffs Office protocol when a medical cases arises. This protocol includes determining the nature of the patient's illness and obtaining the name of the treating physician. If the amount of marijuana found in the patient's possession is for personal use, then the deputies take a small, random sample of one of the marijuana plants and write a report documenting the incident. The marijuana plants and any associated equipment are left with the patient.

The following is a case by case summary of the Marijuana Enforcement Team's activities for 1998:

<u>DATE</u>	<u>CASE#</u>	<u>PLANTS</u>	<u>INDOOR</u>	<u>PLANTS</u>	<u>OUTDOOR</u>	<u>LOCATION</u>
01-14	98-00442	218				Greenview, B.C.
01-21	98-00713	251				Visitar, Felton
01-26	98-00914	60				Fairview, B.C.
03-04	98-02355	583				El Sereno, Aptos
03-24	98-03151	330				Cliff Dr., Aptos
04-07	98-03695	10				Vista Mar, Aptos
04-15	98-03996			8		Freedom Blvd.
04-2 1	98-04248	18				Laguna, S.C.
04-23	98-04334	177				Cedar St., S.C.
04-27	98-04469	116		54		Paul Sweet, S.C.
04-28	98-045 12			83		Carbonera, S.C.
04-29	98-04540	30				Wilkes Circ., S.C.
05-20	98-05370	33				Centennial, S.C.
05-20	98-05370	54		15		National, S.C.
06-03	98-05985			120		Bear Creek, B.C.
06-09	98-06229			69		Bear Creek, B.C.
06-16	98-06574			57		North Coast
06-19	98-06686	212				Davenport
06-26	98-06985	887				Villa Glen, S.V.
06-30	98-07224			9		summit
07-01	98-07223			500		Bear Creek

DATE	CASE#	PLANTS	INDOOR	PLANTS	OUTDOOR	LOCATION
07-09	98-07523			7		Lompico
07-10	98-07547	63				Fox Ct., S.V.
07-18	98-07885			9		Conference, S.V.
07-27	98-08201			2		36th Ave., S.C.
07-30	98-083 14			1		Hawthorne, Wats.
08-05	98-08563	13				Tierra Alta, Wats.
08-05	98-08582			50		Branciforte, S.C.
08-06	98-08636			12		Soquel
08-07	98-0875 1			40		North Coast
08-13	98-08902			2		Olive St., S.C.
08-18	98-09107			19		Meredith, Wats.
08-19	98-09140			1		Bockius, Wats.
08-24	98-09348			4		summit
08-24	98-09349			1,560		summit
08-25	98-09378	10		10		Granite Creek
08-25	98-093 87			10		Skyline Blvd.
08-25	98-09373			6		Big Basin, B.C.
08-25	98-09379			21		Soquel
08-26	98-094 15			4		Mt. Bocci
08-26	98-09416			60		Mt. Bocci
08-26	98-09417			44		High. 129, Wats.
08-26	98-09418			29		High. 129, Wats.
08-27	98-09485			20		North Coast
08-3 1	98-09654			20		North Coast
09-02	98-09752			215		High. 129
09-03	98-09798			30		Bear Creek
09-2 1	98-10523			10		Lake Blvd., Felton
09-22	98-10552	569				Hillcrest, B.L.
09-25	98-10653	12				La Selva, Aptos
1 0-02	98-10919			50		Soquel
1 0-03	98-1 1000			34		Felton
1 0-06	98-11121			15		College Rd., Wats
1 0-07	98-11151			421		Paul Sweet, S.C.
1 0-08	98-1 1179	46				Branciforte, S.C.
10-13	98-1 1361			3		Hardin, Soquel
10-16	98-11490	12				Erniline, S.C.
10-27	98-1 1891	52				E. Cliff, S.C.
1 0-29	98-1 1978	8				Sycamore, S.C.
1 1-04	98-12217	39				Manzanita, Felton
1 1-05	98-12247	510				Oxford Way, S.C.
1 1-09	98-1 2387	96				Bonny Doon
11-13	98-12517	2				7th Ave., S.C.
11-14	98-12645					Sailfish Dr., Aptos

DATE CASE# PLANTS INDOOR PLANTS OUTDOOR LOCATION

12-03	98-13175	818	Fern Flat, Aptos
12-15	98-13580	384	Nunes Rd., Aptos
12-19	98-1 3688	40	Capitola Rd., S.C.
12-21	98-13764	2	Capitola Rd., S.C.

The following is the Sheriff's Office Marijuana Enforcement Team 1998 statistical summary:

1. Marijuana Plants (outdoor)	3,626
2. Marijuana Plants (indoor)	5,717
3. Outdoor Cultivations	40
4. Indoor Cultivations	32
5. Average Plants Per Case	130
6. Processed Marijuana	127 lbs.
7. Firearms Seized	16
8. Money Seized	\$362,315.00
9. Vehicles Seized	4
10. Property Seized	1
11. Search Warrants Served	39
12. Total Arrests	103
13. Total Cases	83
14. Total Cultivation Cases	69
15. Cultivations Under 'Ten Plants	16
16. Total Medical Cases	1
17. Total Flight Hours	28

MARIJUANASUPPRESSIONPROGRAM

GRANTPROPOSAL

FY1999/2000

Presented by:

Santa Cruz County Sheriff's Office
Mark Tracy, Sheriff-Coroner
April 6, 1999

MARIJUANA SUPPRESSION PROGRAM

MISSION STATEMENT

Commercial growers and traffickers of marijuana pose a serious criminal problem in Santa **Cruz** County. Santa Cruz County's experience, which is not unique, is that some of these growers and traffickers of marijuana also have serious and sometimes violent crime associated with their illegal enterprises.

Because of other demands placed on our law enforcement resources by an increasing population and constrained local budgets, it essential that the County of Santa **Cruz** obtain funds disbursed through the Office of Criminal Justice Planning to address the problem of commercial marijuana growers and traffickers.

Santa **Cruz** County's FY 1999/2000 Marijuana Suppression Program grant application is intended to address the County's marijuana problem in an integrated manner, which provides maximum coordination between the **Sheriff's** Office and the District Attorney's Office.

Cultivation and sales of any amount of marijuana in California is a felony. Generally **speaking**, local jurisdictions address the lower level activities through the use of existing law enforcement resources. It is the purpose and intent of the County of Santa Cruz in applying for these specific grant funds to reduce the cultivation and sales of commercial quantities of marijuana and thereby also reduce other serious and sometimes violent crime which is known to be associated with such activities. Because commercial

Page 2

cultivation and sales operations and the violent crime associated with them are of such a serious nature, the Marijuana Enforcement Program will target these types of commercial cases.

The Marijuana Suppression Program utilizes the assistance of other public agencies which have access to helicopters. If not operated with an appropriate level of regard to the general public, helicopters may cause a disruption of normal levels of peace, quiet and privacy. The operation of any helicopter associated with the Marijuana Suppression Program in Santa Cruz County shall comply with the rules and regulations of the Federal Aviation Administration.

Additionally, this grant is applied for by the Board of Supervisors with the expressed understanding that nothing in the Statement of Purpose or any other section of this grant is intended to limit **free** speech, freedom of expression, or to target the beliefs of any group or organization, regardless of political point of view.

By applying for Marijuana Suppression Program grant funds, the County of Santa Cruz can address the serious criminal problem of commercial level marijuana growers, dealers and **traffickers**, with who there is known to be violent crime.

The Board of Supervisors shall monitor Marijuana Suppression Program efforts through a yearly report submitted to the County Administrative Office by the **Sheriff**. This monitoring will provide the mechanism to assure the State and our community that these

Page 3

grant funds are utilized in a manner which will address the specific problem stated above in this Mission Statement.

This Mission Statement is not intended to restrict the Sheriff or the District Attorney in the performance of their duties, but instead is intended to add clarity regarding the purpose of the acceptance and appropriation of these grant **funds** and the operation of the Marijuana Enforcement Program.

This Mission Statement shall become part of the grant application.

**OFFICE OF CRIMINAL JUSTICE PLANNING (OCJP A301)
GRANT AWARD FACE SHEET**

(OCJP A301)

4 3

The Office of Criminal Justice Planning, hereafter designated OCJP, hereby makes a grant award of funds to the following **Administrative Agency (1)** Santa Cruz County Sheriff's Office hereafter designated Grantee, in the amount and for the purpose and duration set forth in this grant award.

(2) Implementing Agency Name Santa Cruz County Sheriff's Office

Contact Lt. Michael Lillis **Address** 701 Ocean Street #340, Santa Cruz

Telephone (831) 454-2311

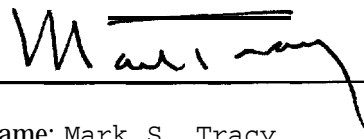
(3) Project Title (60 characters maximum) Marijuana Suppression Program	(6) Award No.
(4) Project Director (Name, Title, Address, Telephone) (four lines maximum) Lt. Michael Lillis 701 Ocean Street #340 Santa Cruz, CA. 95060 (831)454-2311	(7) Grant Period 07-01-99 to 06-30-00
	(8) Federal Amount \$250,000.00
	(9) State Amount -0-
(5) Financial Officer (Name, Title, Address, Telephone) (four lines maximum) Paul Crawford-Senior Financial Analyst 701 Ocean Street #340 Santa Cruz, CA. 95060 (831)454-2992	(10) Cash Match -0-
	(11) In-Kind Match -0-
	(12) Total Project Cost \$250,000.00

... e page ... proposal for the grant which is attached and made a part hereof, and the Assurance of Compliance forms which are being submitted. The grant recipient signifies acceptance of this grant award and agrees to administer the grant project in accordance with the statute(s), the Program Guidelines, this Request for Annlication (RFA) and the OCJP Grantee Handbook. The grant recipient further agrees to all legal conditions and terms incorporated by reference in the Program Guidelines, this RFA, and the OCJP Grantee Handbook.

FOR OCJP USE ONLY

Item:
Chapter:
PCA No.:
Components No.:
Project No.:
Amount:
Split Fund:
Split Encumber:
Year:
Fed. Cat. #:
Match Requirement:
Fund:
Program:
Region:

**(13) Official Authorized to Sign for
Applicant/Grant Recipient**



Name: Mark S. Tracy
Title: Sheriff/Coroner
Address: 701 Ocean Street #340
Santa Cruz, CA. 95060
Telephone: (831) 454-2985
Date: 04-05-99

I hereby certify upon my own personal knowledge that budgeted funds are available for the period and purposes of this expenditure stated above.

Fiscal Officer, OCJP Date

Executive Director, OCJP Date

PREFERENCE POINTS CERTIFICATION

44

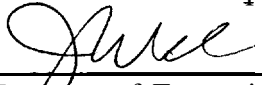
*Use this format if one is not provided by the Lead agency.***DATE:** April 6, 1999**TO:** OFFICE OF CRIMINAL JUSTICE PLANNING**FROM:** Community Contact
Enterprise Zone Program**SUBJECT:** PREFERENCE POINTS(check **only** one **box**)

- ☐ (5%) The applicant named below has targeted this enterprise zone for grant-related activities.
- ☒ (2%) The applicant **named** below **has** not **specifically** targeted this enterprise zone for grant-related **activities**. However, the applicant provides needed **services** to residents of this community.

Applicant Name: County of Santa Cruz, Sheriff's OfficeProject Name: Cultivation ErradicationAddress: 701 Ocean St, Room 340, Santa Cruz, CAProgram Zone: County of Santa Cruz

I **certify** that I have reviewed the proposed project and that it meets **the eligibility** requirements for **preference** points as required by California Government Code **Section 7082**.

The project will respond to requests for assistance relative to marijuana cultivation in the City of Watsonville.

<u>Jeff Wells</u>	<u>Enterprise Zone Coordinator</u>
Print Name of Enterprise Zone Contact	Title
<u></u>	<u>4-5-99</u>
Signature of Enterprise Zone Contact	Date

City of Watsonville, Housing & Economic DevelopmentName of Enterprise **Zone** AgencyP.O.Box 50000, Watsonville, CA 95077-5000**Address**(831) 728-6152()

Telephone Number

1. PROBLEM STATEMENT

A. DESCRIPTION OF THE COUNTY

Santa Cruz County is located on the Monterey Bay and is surrounded by San Mateo County, Santa Clara County, San Benito County and Monterey County. Santa Cruz County is geographically the second smallest County in the State with 439 square miles. The population of Santa **Cruz** County is approximately 230,000. The California Department of Finance reported the following population figures in 1998:

*Unincorporated County.....	136,800-54.6%
*Santa Cruz City.....	54,600-21.8%
* Watsonville City.....	37,150-14.8%
*Capitola City.....	11,050-4.4%
* Scotts Valley City.....	10,550-4.2%

Santa Cruz County is mostly rural with a vast coast line and remote mountainous areas. Many parts of Santa **Cruz** County are now bedroom communities for people working in Santa Clara County's Silicon Valley. The economic composition of the residents vary **from** low income families to highly paid corporate executives working in the computer industry. The Pajaro Valley (**Watsonville** area) is a thriving agricultural community and has some light industry.

For some residents, the marijuana culture in our County is not a hobby, but a way of life. We have found over the years that a significant number of people in our County make their income **from** growing and selling marijuana. Marijuana cultivators and dealers who have been arrested in the past range in age **from** teenagers to people in their 70's.

The underlying reason for a majority of growers and dealers participating in their illegal ventures is economics. We have been told by many of these people that growing and selling marijuana affords them a comfortable lifestyle without having to work a conventional job.

Complacency, lack of parental direction/supervision, the presence of a counter culture life style, the presence of a large number of college age students at UC Santa Cruz and a laid back attitude about drugs in general are just a number of many reasons why the illegal drug culture in Santa Cruz County exists today. During the last three years we have been able to educate the Courts and Probation Department about the revenue that commercial marijuana growers generate while growing and selling marijuana. Often, **stiff fines** are handed down however, the misconception that marijuana is a “benign” or “soft” drug permeates throughout the community and criminal justice system. For example, a commercial grower involved with cultivating 100 marijuana plants and is a first time offender typically receives a similar jail sentence as a street corner dealer who is caught selling a quarter gram of heroin or cocaine.

We need to continue to educate the community and the Courts that marijuana cultivation and sales is a continuing criminal enterprise that includes money laundering, tax evasion and sometimes violence. The Sheriff’s Office has recently investigated several home invasion robberies where the motive was the **theft** of marijuana.

B. PROBLEMS AND NEEDS

If one looks at the statistical figures mentioned below it is painfully apparent that our county indeed has a marijuana problem. Plant seizures, weapon seizures and asset

seizures have all risen. Much of this success can be attributed to the MSP Grant and the fact that we have two full time marijuana detectives and a halftime marijuana prosecutor. Because of current **staffing** issues and other projects it is impossible for the Sheriffs Office to fund two detectives without the assistance of this grant. Further, **if it** were not for the MSP Grant, cases that are submitted to the District Attorney's Office would be prosecuted by a variety of deputy district attorney's thereby precluding consistent sentencing guidelines.

PLANTS SEIZED INDOORS	PLANTS SEIZED OUTDOORS
1995.....1,706	1995.....4,893
1996.....9,666	1996.....8,080
1997.....4,515	1997.....10,376
1998.....5,717	1998.....3,626

It is **difficult**, if not impossible, to accurately estimate the availability of marijuana to the community. However, with current prices holding steady at **\$4,200.00** to **\$5,000.00** a pound, it is believed that our program is making a significant impact by reducing the supply of locally grown marijuana to the community. By continuing our air surveillance program in the Summer months, we have significantly reduced the number of outdoor marijuana plants being confiscated. During the past three years we have seen the trend of increased indoor plant seizures and decreased outdoor plants seizures.

C. ANTICIPATED IMPACT

The Sheriff's Office will meet the needs of the County on several levels. From the enforcement side the Marijuana Enforcement Team will continue to search for outdoor

marijuana cultivations in the Spring and Summer months. Team members will focus their activity on indoor growers and traffickers in the Fall and **Winter** months. We have seen a recent trend of seizing more marijuana plants from indoor cultivation cases than outdoor cultivation cases. It would appear that team members are impacting the County by reducing the number of outdoor cultivations and driving the growers indoors.

Team members will provide marijuana related training to other deputies as well as outside law enforcement agencies. Team members will work closely with the assigned Deputy District Attorney to insure that strict prosecutions continue with cases generated by team members.

By eliminating the number of outdoor cultivations, the Marijuana Enforcement Team will reduce the amount of marijuana being made available to the community. Through training and coordination with the District Attorney's Office the quality of cases will continue to increase and stricter sentences will be handed down to commercial marijuana growers and dealers.

D. PROPOSITION 215

The Compassionate Use Act of 1996 has had minimal impact on the day to day operations of the **Sheriff's** Office Marijuana Enforcement Team. The goal of the Marijuana Enforcement Team is to disrupt the flow of locally grown marijuana **from** the commercial growers/dealers to the community and schools. In order for a person to be protected under the umbrella of 11362.5 H&S, the amount of marijuana being grown must be for personal consumption. Because the Marijuana Enforcement Team's intention is to investigate commercial growers, very few personal use medical cases are investigated.

A protocol has been implemented within the **Sheriff's** Office for instances where medical cases are found. When a person is found in possession of a small number of marijuana plants and has a serious medical condition the investigating deputy inquires about the following:

1. The nature of the person's **illness**.
2. Their doctor's written recommendation. If no written recommendation exists, the person is asked for the name of the doctor that recommended marijuana use.
3. The deputy obtains a random sample of the marijuana plant(s) and later places the sample into evidence.
4. The Deputy writes a report documenting the incident and attaches any relevant medical documentation to the report.
5. In a case where a patrol deputy locates a medical marijuana case, the patrol deputy contacts a Marijuana Enforcement Team member and advises the team member of the facts surrounding the case.

If a person is found in possession of marijuana plants and claims he/she is a Primary Care Giver the investigating deputy inquires about the name of the serious ill person that the care giver is responsible for. The deputy asks relevant questions including what the day to day responsibilities of the Primary Care Giver are to the ill person.

PLAN

OBJECTIVE LE-1

Members of the Marijuana Enforcement Team will network with the California Air National Guard and utilize resources that are available to fly air reconnaissance in the Spring and Summer months for outdoor marijuana gardens. Once a substantial number of marijuana gardens are located, team members will utilize CAMP (Campaign Against Marijuana Planting) and other local resources to eradicate the outdoor marijuana sites. This will effectively reduce the supply of marijuana that would otherwise be made available to local communities and schools.

In the Fall and Winter months, team members will focus their work effort towards locating commercial indoor marijuana cultivations and large level traffickers. Using tips from citizens and informants, as well as other investigative techniques, team members will acquire information that will allow them to locate and stop the **influx** of marijuana to Santa Cruz county.

Team members will utilize resources from the Drug Enforcement Administration and local agencies to assist them with both their indoor and outdoor marijuana investigations. The DEA will be notified of the existence of large level cases and will have the option of adopting cases for federal prosecution.

Team members will coordinate with the assigned deputy district attorney in cases where search warrants are needed and arrests are likely. Team members will make reports, photographs, video tape and evidence available to the assigned deputy district attorney so that thorough prosecution is possible.

Team members will be trained in all facets of marijuana investigation and court room testimony. This training will insure that quality cases will be submitted to the assigned deputy district attorney for prosecution.

PROJECTED NUMBER

1. Indoor marijuana cultivation sites detected	<u>35</u>
2. Indoor marijuana cultivation sites eradicated	<u>35</u>
3. Outdoor marijuana cultivation sites detected	<u>30</u>
4. Outdoor marijuana cultivation sites eradicated	<u>30</u>
5. Marijuana plants confiscated	<u>12,000</u>
6. Processed marijuana (in pounds) confiscated	<u>100</u>

PLAN

OBJECTIVE LE-2

Marijuana enforcement Team members will locate commercial marijuana cultivations and marijuana trafficking organizations utilizing a variety of investigative techniques. Outdoor cultivations **will** be located via overflights, citizen tips and informants. Indoor cultivations will be discovered via citizen tips and informants.

Once a commercial marijuana grow or a **trafficking** organization has been identified, team members will conduct surveillance, obtain court orders and deliver subpoenas for relevant information about the case they are working. Team members will consult with other agency's data bases for information about the suspect(s) in their case. When appropriate, team members will contact WSIN (Western States Intelligence Network) for information about the organization they are investigating.

Once all pertinent information has been collected and probable cause has been established team members will obtain search warrants for the location the suspect's are utilizing to conduct their illegal enterprise. The assigned deputy district attorney will assist with search warrant preparation and provide legal advice to team members.

After team members obtain a search warrant, they **will** plan the execution of the warrant so that the warrant is served safely and effectively. All evidence will be collected and booked into the Sheriff's Office property room. Any assets that were determined to be derived from the sale of controlled substances will be seized and asset forfeiture proceedings initiated. Team members will interview all suspects and witnesses and then

write a detailed report outlining the facts of the case. The written reports will then be delivered to the assigned deputy district attorney for review and prosecution.

If a case is found to be substantial the Drug Enforcement Administration will be **notified** and given the option of adopting the case for federal prosecution. If a case is adopted by the federal government all evidence and assets will be turned over to the federal agent in charge of the case.

When appropriate, the **Sheriff's** Office Press Information Officer will be notified of significant seizures and arrests. The Press Information Officer will determine how information about the case will be disseminated to the media.

PROJECTED NUMBER

- | | |
|---|--------------|
| 1. Investigations initiated for marijuana cultivation and trafficking | _____75_____ |
| 2. Investigations resulting in arrests | _____60_____ |
| 3. Search warrants served | _____30_____ |
| 4. Total arrests | _____75_____ |
| 5. Referrals for prosecution | _____65_____ |

PLAN

OBJECTIVE LE-3

During the service of a search warrant or during a consent search team members will examine financial documents of the marijuana grower/dealer. Team members will look through the suspect residences for cash, safety deposit box keys, pay/owe sheets and any other instrument that could have value to the marijuana grower/dealer.

When assets are found that are reasonably believed to be derived from the sale of marijuana, team members will initiate an asset forfeiture investigation. Team members will conduct a financial interview with the suspect and ascertain the suspect's actual legitimate income. Team members will serve the suspect with asset forfeiture paper work and then deliver the forms to the Deputy District Attorney in charge of asset seizure cases.

When U.S. currency is seized, team members will either place the money into evidence or deliver the currency to the Investigation Sergeant in charge of asset seizure cases. The Investigation Sergeant will then place the cash into the **Sheriff's Office Pre-litigation Account**. If a vehicle is seized team members will temporarily store the vehicle at a local tow yard. Team members will contact Nationwide Auction and request the vehicle be picked up for long term storage. After the case has been adjudicated, Nationwide Auction will sell the vehicle and send the proceeds to the **Sheriff's Office** for disbursement.

When the Drug Enforcement Administration adopts a Marijuana Enforcement Team case, all assets will be turned over to the DEA agent in charge of the case. Team

members will monitor the status of the prosecution and keep in contact with the agent in charge of the case.

PROJECTED NUMBER

1. Investigations resulting in asset seizures	<u>20</u>
2. Estimated dollar value of real property seized	<u>\$50,000.00</u>
3. Estimated dollar value of personal property seized	<u>\$25,000.00</u>
4. Amount of cash seized	<u>\$50,000.00</u>

PLAN

OBJECTIVE LE-4

To insure that Marijuana Enforcement Team members are highly trained skilled investigators the current training plan calls for both team members to have **successfully** completed the DEA **Overflight** School. The current team members have also successfully completed the DEA Indoor/Outdoor Marijuana Investigators School. Both team members and the assigned Deputy District Attorney attended the annual California Narcotic Officers Association (CNOA) conference and the annual Campaign Against Marijuana Planting (CAMP) conference.

In the past, team members have provided formal training to other **Sheriff's** Office employees and have taught at a POST (Police Officers Standards and Training) certified class.

For the upcoming grant cycle, team members will continue to attend the annual CNOA and CAMP conferences. If the DEA or DOJ offer an advanced marijuana investigators school team members will be encouraged to attend. If there is a change in personnel, the new team member will attend the DEA Overflight School and the DEA Indoor/Outdoor School.

Team members will continue to provide marijuana related training to patrol personnel and outside agencies as requested. Deputies will be encouraged to assist team members with the service of search warrants and the eradication of outdoor marijuana gardens. When this occurs, team members will provide training to personnel while in field.

On going communication between the assigned Sheriff's Office personnel and the assigned deputy district attorney will ensure that both the enforcement and prosecution sides of the grant learn the same information.

PLAN

OBJECTIVE LE-5

Marijuana Enforcement Team members will provide information to the public about the dangers and myths of marijuana. This will be done using the media via press releases, attending community forums and providing presentations to local schools, clubs and churches. Team members have attended similar functions in the past and have been well received.

When a significant case occurs the **Sheriff's** Office Press Information Officer will be advised and provide the media with a press release and/or on camera statement.

The **Sheriff's** Office currently has an effective DARE program in place throughout the County that educates local children about the dangers of drugs and violence.,.

PROJECTED NUMBER

Educational forums/presentations

- 3 -

OBJECTIVE D.A.-I:**Increase the conviction rate of felony marijuana cultivators and traffickers.**

Marijuana cultivators are drawn to Santa Cruz County because of the attractive climate, mountainous and rural geography, and the general social acceptance of marijuana use. An additional factor may be the perception of relative lenient treatment by the courts. Marijuana cultivation has another interesting aspect to it in that it tends to lure a larger percentage of middle class citizens due to its profit margin, low risk, including lesser penal sanctions. One additional factor contributing to the challenge of prosecuting marijuana cultivators is the current trend in the location of the marijuana grow. We are seeing a decrease in outdoor cultivation and a substantial increase in indoor cultivation. The use of upscale residences in middle class neighborhoods to cultivate marijuana indoors makes the detection of these gardens all the more difficult for law enforcement.

In spite of the increase in sophistication of the cultivators as well as the move indoors, the prosecution of the marijuana cultivators has successfully increased, due to the efforts of the Marijuana Enforcement Team, in conjunction with the MSP prosecutor. The District Attorney's Office has currently assigned a senior MSP prosecutor who works with the Sheriffs 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 involves helping to evaluate potential referrals at the investigative and pre-arrest stages, as well as handling court appearances at arraignments, Grand Jury sessions, and/or preliminary hearings, pretrial proceedings, trials, sentencing hearings, diversion review hearings and probate/parole violation hearings.

The successful prosecution of felony marijuana cultivators and traffickers requires a knowledgeable, diligent, persistent and specially skilled prosecutor to understand the complexities of the trade and specific legal applications, as well as the sophistication of

a particular marijuana cultivator (i.e., hydroponic versus soil cultivation, COT tanks, reflective mylar, fertilizers, Ph solutions, electrical wiring, kilowatt usage, etc.). A prosecutor's specialized in MSP cultivation cases can better assist the Sheriff's Office Marijuana Suppression Team as well as other agencies in successfully prosecuting cases through the courts via vigorous vertical prosecution of new referrals from arraignment through sentencing and an aggressive pursuit of probation and parole violations against previous violators who reoffend.

The change in the location of the indoor versus outdoor marijuana grow will require a greater degree of focus and greater resource commitment to maintain, and even increase, the high conviction rate already achieved. Detection will be a greater problem, requiring increased pre-arrest strategies and the use of soundly prepared search warrants. The unpopularity of the crime in this community requires a specially designated MSP prosecutor who can come up with specialized knowledge and skills, and maintain credibility with the various components of the criminal justice system, including the courts.

We anticipate the great majority of cultivation cases referred for prosecution will continue to be generated by the Sheriff's Office Marijuana Suppression Team. Continuing referrals are expected from police agencies operating within their own jurisdictions and from the county-wide Interagency Narcotics Enforcement Team (SCCNET). A number of cases were submitted during the second quarter of the previous grant year from the Santa Cruz Police Department. Street level sales of marijuana is a continuing problem within the downtown Santa Cruz area. Merchants complain that the dealers loiter in front of their businesses, harass and disturb retailers and customers, and deter potential customers from the downtown businesses. The large supply of marijuana available for resale and the notion that Santa Cruz courts are lenient in this area, also attract transients to our county who support themselves by selling marijuana in the downtown Santa Cruz area. 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 reflect the anticipate caseload for the upcoming grant year.

Adequate **case tracking** is assured through five complementary data capture methods:

1. A case intake log and disposition log for all referred cases for filing is maintained throughout the grant term;
2. Defendant data forms for each defendant accepted into the grant program;
3. An office mainframe based case management system (PROFILE) is used to capture the court's minute orders subsequent to each court appearance in all cultivation **cases**;²
4. Actual case files for each defendant; and
5. Daily timesheets recording the assigned prosecutor's time spent on 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. He/she 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.

¹ Since prosecutions are conducted against named individuals, each person referred to the District Attorney's Office is counted as a separate case.

² Profile is an online system which can be accessed by both District Attorney and Sheriff personnel. It is used to keep project personnel apprised of future court events and appearance dates (historical data is also maintained), and also tracks referring agency, charges and defendants (including aliases), case dispositions and sentences imposed.

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

PROJECTED NUMBER

1.	Cultivators and traffickers referred for prosecution	<u>180</u>
2.	Complaints filed	<u>155</u>
3.	Prosecutions resulting in convictions	<u>150</u>

OBJECTIVE: D.A.-II:

Provide specialized services to law enforcement personnel to improve the quality of marijuana prosecution efforts.

The project attorney is assigned to work with the Sheriffs Office and other law enforcement agencies on the MSP grant. His/her duties include assisting in the preparation of search warrants, meeting with law enforcement personnel on pre-arrest strategies, providing the other necessary legal assistance and training, and participating in the D.A.R.E. Program. The need for a project attorney who provides the exclusive work on MSP cases continues to be more and more advisable because of the change in the "growing season" from seasonal to year round and the continually "growing" sophistication of the marijuana cultivators. The relatively recent onset of the medical marijuana defense has also highlighted the need for the specially assigned prosecutor to assist law enforcement personnel and better prepare for trial where this defense is made.

The use of a project attorney allows the District Attorney's Office to provide enforcement personnel with timely and specialized legal services on an as-needed basis, greater continuity between cases, expedient warrant preparation efforts and minimized legal challenges to cases which proceed to litigation.

Since marijuana use and cultivation is a highly charged political and social issue in our county, the availability of the project attorney to law enforcement on prevention and eradication policies and pre-arrest strategies is very important and valuable. In addition, legal training is provided to the Sheriffs cultivation team on an ongoing basis. Most of this training is informal and will generally be delivered through contact with the project attorney on the cases being held under the grant. There also are a number of more structured training sessions provided to the team in the areas of "search and seizure," "open fields doctrine," exigent circumstances searches, and Miranda warnings.

The project attorney has and will continue to accompany the law enforcement personnel during the execution of select search warrants.

Coordination of efforts with the federal authorities will also be continued during the new grant period.

All warrant requests pursued under the proposed grant will be handled by the project attorney.³ Current practices within this county provide that any sitting judge may sign a cultivation related search warrant. As a policy objective, the project attorney will continue to seek to have all search warrants signed only by felony level judges.

All law enforcement agencies are advised of the project attorney's status and availability on grant related cases. The project attorney will coordinate county-wide meetings and communications between the Marijuana Suppression Units of all local law enforcement agencies.

The project attorney is designated to be available on grant cases from the early stages, including search warrant preparation and pre-arrest strategy meetings through the conclusion of the case to time of sentencing and even beyond in the event of probation violation proceedings. The project attorney will remain available at all times for on-site presence during execution of search warrants and on-scene legal assistance.

Contact with all law enforcement personnel involved in cultivation cases in this jurisdiction will occur on a daily basis and also occurs periodically throughout the year with similar personnel in other jurisdictions as the occasion arises.

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. Liaison is further promoted through multi-agency access to the case status and appearance information provided by the District Attorney's mainframe based automated case tracking system (PROFILE).

The **procedure** that will be established to provide specialized services to law enforcement personnel are the following:

1. Daily contact with law enforcement personnel.

³ The District Attorney's Office has designated an alternate to provide all grant related services should the regular project attorney become unavailable for periods of sickness or vacation. OCJP will be properly advised should this be required.

2. Law enforcement personnel to call project attorney to apprise of upcoming need for search warrant.
3. Project attorney to monitor progress on search warrant.,
4. Project attorney to review all search warrants before submission to magistrate.
5. Project attorney to attend the scene of execution of search warrant on select cases.
6. Project attorney will submit investigation request to pertinent law enforcement personnel.
7. Project attorney to notify pertinent law enforcement personnel of filing decisions.
8. Project attorney to coordinate with law enforcement personnel on trial preparation and efforts.
9. Project attorney to notify and discuss all intended dispositions with pertinent law enforcement personnel.
10. Project attorney to communicate with pertinent law enforcement personnel for input on sentencing recommendations and issues.
11. Project attorney shall periodically attend law enforcement personnel roll call.

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

PROJECTED NUMBER

- | | | |
|----|--|-------------|
| 1. | Coordination meetings with law enforcement personnel | <u>100"</u> |
| 2. | On-scene legal assistance (OPTIONAL) | <u>10</u> |

* Excluding on-scene legal assistance.

OBJECTIVE: D.A.-III:**Forfeit the assets of marijuana cultivators and traffickers.**

All marijuana cultivation cases that are referred from law enforcement agencies are closely examined by a non-grant prosecutor assigned to handle asset forfeiture cases for the purpose of determining their asset forfeiture potential. That attorney aggressively prosecutes all asset forfeiture cases referred by law enforcement. Particular attention is given to cases in which cash or property is seized at the 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).

The **asset forfeiture procedure** and actions taken on marijuana cultivators and traffickers in the county consist of the following:

1. Asset seizures made by participating law enforcement agency.
2. Pertinent documentation submitted to asset forfeiture prosecutor in conjunction with the criminal prosecution.
3. Asset forfeiture prosecutor closely coordinates with project attorney in the handling and disposition of asset forfeiture cases in conjunction with the criminal case.
4. Asset forfeiture prosecutor also regularly confers with law enforcement agencies and provides training as necessary regarding asset forfeiture.
5. Asset forfeiture prosecutor either initiates non-judicial forfeiture or judicial forfeiture as appropriate and follows the case to completion.
6. Asset forfeiture data is maintained by the asset forfeiture and project attorneys.

Data maintained includes name of case, referring agency, number of forfeitures and amount of money forfeited.

7. Upon completion of an asset forfeiture case, component agencies notified by the project prosecutor for timely and proper distributdn of seized assets.

Objective D.A.-IV:

Improve the prosecution of marijuana cases through specialized training.

The project attorney will complete the 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, in the state's Campaign Against Marijuana Planting (CAMP) conference, and the CNOA institute.

The project attorney will regularly provide in-service training to other prosecutors in the office relating to possible legal issues and appropriate dispositions in non-MSP grant and marijuana prosecutions and diversion cases.

The project attorney will provide specific training in the areas of search and seizure law to members of the Sheriffs Marijuana Suppression Team and other law enforcement agencies involved in the suppression of marijuana cultivation. (Refer to Objective D.A.-II)

The project attorney's attendance at OCJP, CAMP and CNOA training conferences which are generally multi-disciplinary in scope and attended by numerous other criminal justice agencies and components, will provide cross training with other agencies.

OBJECTIVE DA-4: Improve the prosecution of marijuana cases through specialized training.

	PROJECTED NUMBER
1. Training hours received	<u>24</u>
2. Trainings provided to share information with others (cross-training)	<u>3</u>

Objective D.A.-V:**Provide information to the public to prevent illegal use of marijuana.**

The project attorney will fully participate in all 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 Sheriffs "Media Days," and presentations at various community forums. See Objective L.E.-V for more complete narrative description of these activities.

The project attorney will also respond to specific community needs and concerns related to marijuana based offenses which raise particular issues and problems for the particular constituency such as the downtown business merchants or mall/shopping center merchants.

The project attorney will also continue to educate the public on the limits of the medicinal marijuana defense which remains a big political, if not legal, issue in this county.

OBJECTIVE DA-5: Provide information to the public to prevent illegal use of marijuana. **(OPTIONAL)**

PROJECTED NUMBER

1. Prevention forums conducted in conjunction with law enforcement.

10

IMPLEMENTATION

A. ORGANIZATIONAL DESCRIPTION

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

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 twenty-two sergeants. There are three bureaus within the Office (Operations, Detention and Administration).

The MSP program will work out of the Investigation Division of the Operations Bureau. Team members will work separate **from** the County Narcotic Enforcement Team. The two MSP funded Deputies will be supervised by an Investigations Sergeant, who will report to the Investigations Lieutenant. The Investigations Lieutenant will be supervised by the Operations Chief Deputy, who will report to the Sheriff.

The assigned Deputy District Attorney will be supervised by the District Attorney's Office Chief Deputy of Operations. The Chief Deputy of Operations will report to the District Attorney.

The two assigned Deputy Sheriff's and the 50% **funded** Deputy District Attorney will be funded by MSP monies. All secretarial and administrative assistance will be provided by the Sheriff's Office and District Attorney's Office on an "in kind" basis.

The Investigations Sergeant who supervises the two grant funded Deputies **will** be responsible for insuring that all administrative responsibilities are completed in a timely manner.

IMPLEMENTATION

C. WORKING RELATIONSHIPS

Grant funded employees of the **Sheriff's** Office and District Attorney's Office will work in unison to insure the success of the MSP program. The **Sheriff's** Office will be responsible for the investigation of commercial marijuana related cases. The Sheriffs Office will also be responsible for the day to day operations and management of the grant, as well as fulfilling all reporting requirements. The **Sheriff's** Office will provide administrative support to the MSP program by monitoring the success of the program, providing clerical support and managing the grant **finances**.

The District Attorney's Office will assign one deputy district attorney with felony trial experience to the grant **fifty** percent of the time for the twelve month grant period. The assigned deputy district attorney will vigorously prosecute those marijuana related cases referred by the assigned deputy **sheriff's**. The deputy district attorney assigned to the grant will be available to the assigned deputy sheriffs during normal working hours and will be on-call during non working hours. In addition to prosecuting cases, the assigned deputy district attorney will assist team members with the preparation of search warrants, attend marijuana related schools and seminars and assist with community awareness presentations.

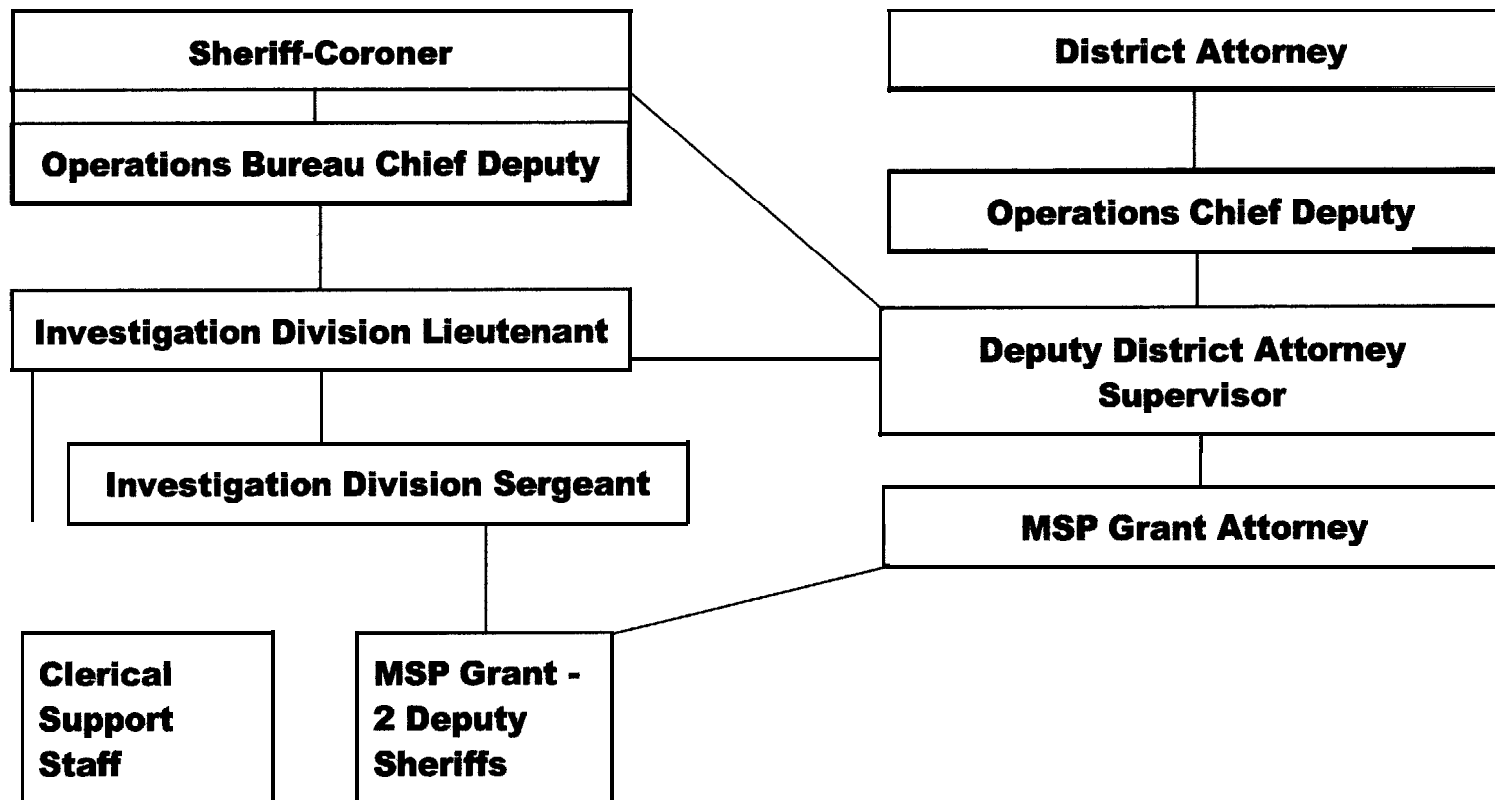
The Operations Chief Deputy District Attorney and the **Sheriff's** Office Chief Deputy will meet quarterly to monitor the effectiveness of communications and assure that the objectives of the grant are being met.

Operational Chart

Santa Cruz County

Sheriff's Office

District Attorney's Office



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 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, trafficking, 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

Ronald L. Ruiz
 District Attorney
 Santa Cruz County

The activities specified in 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 operations 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 to fulfill all reporting requirements for 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 and prosecution effort.

2. The Santa Cruz County District Attorney's Office

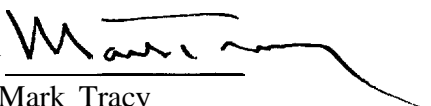
This agency will assign one deputy district attorney with felony trial experience to the Marijuana Suppression Program halftime for the twelve month period. It will be the responsibility of this project attorney to pursue the prosecution component objectives listed in the grant application. The project attorney's responsibilities as a member of the Marijuana Suppression Program will be to participate in the investigation of **all** major marijuana cultivation, sales and trafficking cases generated by the Marijuana Suppression Program 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 of any other legal issues that may arise.

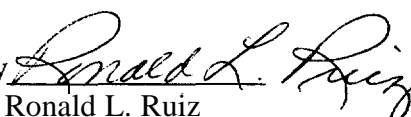
In addition, the project attorney's primary responsibilities will be the vertical prosecution of all major marijuana cultivations, sales and trafficking cases. When scheduling does not permit vertical prosecution the project attorney will be responsible for supervising the cases and managing the best 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 unit in providing training to other deputy district attorney's and law enforcement officers.

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, sales 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 on a regular basis 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 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 5th day of April, 1999.

BY 
 Mark Tracy
 Sheriff/Coroner
 Santa Cruz County

By 
 Ronald L. Ruiz
 District Attorney
 Santa Cruz County

IMPLEMENTATION

E. GRANT JOB DESCRIPTIONS

The Sheriffs Office will assign two highly trained top step deputy **sheriff's** to the Marijuana Suppression Program. The assigned deputies will be fully funded by the grant and will only work marijuana related cases. The assigned deputies will investigate commercial marijuana growers, dealers and traffickers utilizing a variety of investigative techniques including, but not limited to, aerial reconnaissance, surveillance and working with informants and citizens. The assigned personnel will write search warrants, documents cases with written reports, provide expert testimony in court and work closely with the assigned deputy district attorney to insure thorough prosecution of suspects. The assigned personnel will report to an Investigations Sergeant, who will monitor the progress of the grant, as well as the assigned personnel's cases. The Investigations Sergeant will provide assistance when necessary and insure that the assigned personnel have the resources they need to meet their objectives and goals.

The District Attorney's Office will assign one deputy district attorney halftime for the twelve month period to the Marijuana Suppression Program. The assigned deputy district attorney will be an experienced lawyer with felony trial experience. The project attorney will participate in the investigation of all major marijuana cultivation, sales and trafficking cases generated by the Marijuana Suppression unit.

The project attorney's primary responsibilities will be the vertical prosecution of all commercial marijuana cultivators, dealers and traffickers. Specialized services provided by the project attorney will include training in search and arrest warrant preparation,

investigating and arrest strategies and legal update. The project attorney and the assigned deputy sheriff's will keep in continual communication regarding current investigations and pending court cases. The project attorney will report directly to the Operations Chief Deputy District Attorney.

BUDGET CATEGORY AND LINE ITEM DETAIL

000 80
COSTA. Personal Services - **Salaries/Employee** Benefits Page 1 of 2

SALARIES (District Attorney's Office)

\$45,366.00

One level four Deputy District Attorney (half time
for twelve months).

S A L A R Y :

18 pay periods at \$43.11 per hour=\$62,078.00

8 pay periods at \$44.77 per hour= \$28653.00

Total \$90,731.00

Half time salary \$90,731.00 X .50 \$45,366.00

BENEFITS:

\$10,888.00

A. Retirement @.12612 X \$45,366.00=\$5,722.00

B. Insurance @ .50 X \$3,389 =\$1,695.00

C. OASDI @ .0765 X \$45,366.00 =\$3,471.00

Total \$10,888.00

TOTAL

Please continue
to next page

BUDGET CATEGORY AND LINE ITEM DETAIL A. Personal Services - Salaries/Employee Benefits	COST
<p style="text-align: right;">Page 2 of 2</p> <p>SALARIES (Sheriff's Office)</p> <p>Two full time top step Deputy Sheriff's for 12 months. The below noted figures represent the total salaries and benefits for two Deputies.</p> <p>SALARY:</p> <p>26 pay periods @ 26.21 per hour x 2 \$109,034.00</p> <p>BENEFITS:</p> <p>A. PERS Retirement \$54,517 x .11425 x 2 \$12,458.00</p> <p>B. OASDI \$54,517.00 x .0145 x 2 \$1,582.00</p> <p>C. Insurance \$6,881.00 x 2 \$13,762.00</p> <p style="text-align: right;">Total \$27,801.00</p> <p>OVERTIME:</p> <p>In order to successfully investigate the increasing number of indoor marijuana cultivation investigations the following overtime budget is needed,</p> <p>651 hours at \$39.32 \$25,613.00</p>	<p style="text-align: right;">81</p> <p>\$109,034.00</p> <p>\$27,801.00</p> <p>\$25,613.00</p>
TOTAL	\$218,702.00

BUDGET CATEGORY AND LINE ITEM DETAIL

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B. Operating Expenses .

Page 1 of 2

COST

1. Travel

\$5,948.00

A. CNOA Conference (based on four days) (3)

Registration @ \$250.00 each = \$750.00

Lodging @ \$79.00 per night (2 rooms) = \$632.00

Travel @ \$250.00 each = \$750.00

Car rental @ \$75.00 per day = \$300.00

Per diem @ \$32.00 a day each = \$384.00

Total = \$2,816.00

B. CAMP Conference (based on 4 days) (4)

Registration @ \$125.00 each = \$500.00

Lodging @ \$79.00 per night (3 rooms) = \$948.00

Travel @ \$250.00 each = \$1,000.00

Car rental @ \$75.00 per day = \$300.00

Per diem @ 32.00 per day each = \$384.00

Total = \$3,132.00

2. INDIRECT COST/ADMINISTRATIVE OVERHEAD

\$12,350.00

This cost is based on 5% of the total grant expenditures minus equipment cost. = \$12,350.00

3. AUDIT EXPENSE

\$2,500.00

Flat rate fee of \$2,500.00 = \$2,500.00

4. CONFIDENTIAL FUNDS

\$1,500.00

These funds will be used as described in the Confidential Fund narrative attached in the Appendix and labeled as Attachment A. = \$1,500.00

TOTAL

Please continue to next page

BUDGET CATEGORY AND LINE ITEM DETAIL				000 84
C. Equipment		Page 1 of 1		COST
1. Camper Shell	= \$1,500.00			\$1,500.00
<p>The camper shell of an existing MSP truck recently broke and is beyond repair. This truck was purchased with with MSP funds in 1994 and is used on a daily basis by the MET team.</p>				
2. uniforms	= \$1,500.00			\$1,500.00
<p>This expense will pay for uniforms, boots eradication supplies and safety gear</p>				
CATEGORY TOTAL				\$3,000.00
PROJECT TOTAL				\$250,000.00
FUND DISTRIBUTION	FEDERAL	STATE	CASH MATCH	IN-KIND MATCH
1. Amount of Funds				
2. Percentage of Funds				

OCJP-A303c (Rev. 7/97)

GRANT PROPOSAL INDEX

1. Attachment A - Confidential Fund Justification

Complete this form to report the total funds available to support the activities related to accomplishing the goals and objectives of the Grant Award Agreement. In the Grant Funds column, report the OCJP funds requested by category; in the Other Funds column, report all other funds available to support the project by category and then calculate the totals by category in the Program Total column. Total each column to arrive at the total program funds available.,

OTHER FUNDING SOURCES			
BUDGET CATEGORY	GRANT FUNDS (Use only the grant funds identified in the preceding budget pages.)	OTHER FUNDS	PROGRAM TOTAL
Personal Services	\$218,702.00	\$24,500.00 (DEA)	\$243,202.00
Operating Expenses	\$28,298.00	-0-	\$28,298.00
Equipment	\$3,000.00	-0-	\$3,000.00
TOTAL	\$250,000.00	\$24,500.00	\$274,500.00

OI JP-653
(Rev. 1/94)

THIS FORM DOES NOT BECOME PART OF THE GRANT AWARD.

BUDGET NARRATIVE

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The budget of the proposed Marijuana Suppression Program will pay for two full time deputy sheriff's and one half time deputy district attorney. The assigned personnel will work on marijuana related cases exclusively during their normal **working** hours. In addition to paying for salaries and benefits, the proposed budget requests for **\$25,000.00** in overtime funds. Due to budgetary constraints, the Drug Enforcement Administration reduced the Marijuana Enforcement Team's 1999 overtime budget by one third. Because of a large **influx** of indoor marijuana cultivation investigations (22 in the past three months), a large portion of the **DEA's** overtime grant has been spent. It is anticipated that the Marijuana Enforcement Team would exhaust its current overtime budget by early summer if this request is not granted.

Administrative costs and audit expenses will cost the grant about 6% of the anticipated revenue. All other budget items have been targeted for personnel and equipment expenses.

The two deputy **sheriff's** assigned to the program will be experienced investigators. Their duties will include the eradication of marijuana grown both indoors and outdoors, investigate major marijuana dealers and traffickers, prepare and serve search warrants, initiate asset forfeiture proceedings and provide marijuana related training to other deputies and law enforcement officials. The two assigned deputies will **attend** the annual CAMP and CNOA conferences.

The halftime deputy district attorney will work on Marijuana Suppression Program cases and other grant related duties during the periods of time she is funded by

the grant. The deputy district attorney will also provide additional work hours as needed in support of the program objectives as an “in-kind” contribution to the County. The assigned deputy district attorney **will** keep accurate **tracking** of the amount of time she spends on grant related duties. The deputy district attorney assigned to the program will be an experienced felony trial attorney. The assigned attorney will assist the assigned **sheriff’s** deputies with search warrant preparation, asset forfeiture proceedings and case planning. The grant attorney will vertically prosecute those cases that the assigned deputies refer to her. The assigned grant attorney will attend the annual CNOA and CAMP conferences. The two assigned deputies and the assigned deputy district attorney will meet on a regular basis to ensure consistent communication.

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

ATTACHMENT A

CONFIDENTIAL FUNDS JUSTIFICATION

The use of confidential informants and citizens is necessary when investigating indoor marijuana cultivations and marijuana traffickers. Most confidential informants request payment for the information they provide. The **Sheriff's** Office is requesting the use of **\$1,500.00** for confidential fund expenditures.

These funds will be used to pay informants for marijuana related information and for personnel assigned to the program to purchase marijuana in an undercover capacity. Due to budgetary shortfalls the **Sheriff's** Office does not have money available for this expense.

In order to insure the integrity of the Marijuana Suppression Program, the Investigation Sergeant in charge of the assigned deputies will pre-approve all confidential **fund** expenditures. All expenditures of this **fund** will be witnessed by no less than two Sheriff's Office employees and a report will be written documenting each expenditure.

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 regarding this fund and assures they will be strictly adhered to.