



Planning Division

PLANNING COMMISSION STAFF REPORT

TO: Planning Commission

FROM: Stephanie Diaz, Contract Planner *SLD*

DATE: October 4, 2007

SUBJECT: Planning and Zoning Permit No. 07-580-1 Ordinance Prohibiting the Sale of Medical Marijuana in the City.

1. **Recommendation:** That the Planning Commission adopt a resolution recommending that City Council approve an ordinance prohibiting the sale of medical marijuana in the City of Oxnard.
2. **Project Description and Applicant:** The proposed ordinance is intended to carry out direction received by Staff research during the interim urgency ordinance that prohibited the permitting of medical marijuana sales facilities. The applicant is the City of Oxnard.
3. **Environmental Determination:** The California Environmental Quality Act (CEQA) applies only to discretionary activities that are defined as projects. Governmental activities may not be subject to CEQA because they do not fall within the meaning of the term "project" (CEQA Guidelines sec. 15378). As adopting this ordinance will not result in a direct or indirect physical change in the environment, it is not a project and therefore, CEQA does not apply.
4. **Analysis:**
 - a) **Urgency Ordinance Background:** On November 15, 2005, the City Council adopted Interim Urgency Ordinance No. 2706 prohibiting medical marijuana dispensaries for 45 days to allow staff to research zoning issues. On December 20, 2005, the City Council adopted Ordinance No. 2712 extending the interim ordinance until November 14, 2006 as staff was in the midst of researching issues and there were conflicts between State and Federal laws on this matter. On October 17, 2006, the City Council adopted Ordinance No. 2725 extending the Interim Urgency Ordinance until November 14, 2007 as more

time was needed to address issues and to follow case law pertaining to this matter. Staff returned to the City Council with a study session on May 15, 2007 to review issues related to medical marijuana dispensaries prior to the Urgency Ordinance expiration date. Council member requested additional information on the State and Federal law conflicts and the identification card program. The Urgency Ordinance is due to expire on November 14, 2007.

- b) **Medical Marijuana Background:** The State of California's Compassionate Use Act and Senate Bill 420 allow a patient, a primary caregiver, or a member of a legal cooperative to possess a specified amount of marijuana with a doctor's recommendation. However, the United States Supreme Court has held that the Federal Controlled Substances Act, which prohibits the possession of marijuana, may be enforced in California. Several legal cases are pending that deal with the jurisdiction issue, but there has been no recent case law on this subject. In June 2005, the California Attorney General's office issued a bulletin to California law enforcement agencies advising officers to neither arrest nor prosecute "individuals within the legal scope of California's Compassionate Use Act." However, anyone who does not qualify for the protected status under State law and possesses, grows or sells marijuana is considered to be involved in an illegal activity.

Under federal law, marijuana is considered a controlled substance and it is illegal to possess, grow or sell the plant. Regardless of California's Compassionate Use Act, federal agents continue to raid medical marijuana dispensaries in California and arrest the operators. The United States Supreme Court declared that despite the attempts of several states to partially legalize marijuana, it continues to be illegal since it is classified as a Schedule I drug (*Gonzales v. Raich* 2005, 125 S.Ct.2195). In reaching its decision, the Supreme Court invoked the United States Supremacy Clause declaring that all laws made in pursuance of the Constitution shall be the "supreme law of the land" and shall be legally superior to any conflicting provision of a state constitution or law. Accordingly, there is no federal exception for the growth, cultivation, use or possession of marijuana and all such activity remains illegal.

According to an April 2006 Livermore Police Department survey of 42 California cities, 10 cities permit dispensaries, 17 have adopted ordinances to prohibit such land use, and 15 have enacted a moratorium prohibiting the use while further study is conducted. Currently there are no known medical marijuana dispensaries operating in the City of Oxnard. However, staff is aware of at least six inquires from the public in the last few years to establish such a business.

- c) **Issues Regarding Medical Marijuana Dispensaries:** Staff research has revealed that there are major issues associated with medical marijuana dispensaries. The following list outlines these issues that have led to a staff

recommendation to prohibit the use in the City. The main issue involves Federal law:

1) A City ordinance permitting medical marijuana dispensaries would be inconsistent with Federal drug laws. All store-front medical marijuana businesses are subject to search and closure since they violate Federal law. Therefore, they have no right to exist or operate and arguably cities and counties in California have no authority to sanction them. The Supreme Court's ruling indicates that following California law will not protect a person from prosecution under Federal laws. The Court's decision also supports a jurisdiction's decision to prohibit such centers since allowing them would require "permitting" a venture which the U. S. Supreme Court has ruled violates Federal law.

Other issues involve the sale of medical marijuana:

2) There are many accounts of increased crime associated with the medical marijuana facilities including robbery, assault and murder involving dispensary operators and patients. See Attachment B from the City of El Cerrito Police Department that provides a report of crimes throughout the State that are associated with dispensaries.

3) It would be difficult and labor intensive for City Police to verify that a doctor's letter was legitimate.

4) To be consistent with State law, a medical marijuana dispensary must be a legal "cooperative" where the operator is designated as the "primary caregiver" for the entitled patients. To be a primary caregiver, an operator must "consistently assume responsibility for the housing, health or safety of a patient." The patient and caregiver must reside in the same city or county. It is questionable whether a store-front medical marijuana dispensary would meet the definition of a "primary caregiver." Constant monitoring by the Police Department would be required to assure that the business was a true cooperative, providing marijuana only to entitled patients, who had designated the cooperative as their primary caregiver. Inquires would also be needed to assure that patients and the caregiver reside in Ventura County. These activities would be very labor intensive.

5) Only patients, primary caregivers and legal cooperatives are allowed to possess marijuana and only in regulated amounts according to State law. Under the statute, no more than 8 ounces of dried marijuana can be possessed by a patient or caregiver. In addition, either 6 mature or 12 immature plants may be possessed by an individual. It is questionable where the marijuana supplies for the dispensary would come from. A newspaper reported on a case in San Francisco involving a store-front

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dispensary that had many people illegally bringing backpacks full of marijuana to sell to the dispensary. This source for marijuana is illegal because it is not in the possession of a patient or primary caregiver. The City would need to audit a dispensary to ensure that the amount of marijuana on-site and provided to entitled patients was consistent with the State law limitations. There is also the issue of growing marijuana for the cooperative. If the operator claims to be a primary caregiver for 30 patients and therefore is entitled to grow and possess the amount of marijuana legally allowable for 30 patients, there is no legal or legitimate source for seed stock. The operator would need to buy seeds from an illegal source that may have gang connections or involvement with drug dealing cartels.

6) According to State law, cooperatives are not intended to be for-profit businesses. They may accept "monetary contributions" to support the cooperative in exchange for medical marijuana. Newspapers have reported cases where store-front dispensaries were making \$20,000.00 to \$45,000.00 a day in marijuana sales. The City would need to regularly audit the dispensary (which is typically a cash business) to determine if the non-profit status was being abused. Auditing would be a labor-intensive activity.

Given the issues presented in this report, Staff has concerns that the permitting of a medical marijuana dispensary or cooperative would be problematic for the City. The main issue, as presented in C.1 above, is that medical marijuana dispensaries/cooperatives are not permitted under Federal law. Staff cannot support a use that violates Federal law.

Attachments:

A - Draft Resolution and Ordinance

B - City of El Cerrito Crime Report

Prepared by: *S. Diaz*

SD

Approved by: *SM*

SM

ATTACHMENT A

RESOLUTION NO. 2007-[PZ 07-630-2]

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF
OXNARD RECOMMENDING THAT CITY COUNCIL ADOPT AN
UNCODIFIED ORDINANCE PROHIBITING THE SALE, SUPPLY OR
PROVISION OF MARIJUANA WITHIN THE CITY**

WHEREAS, the Planning Commission of the City of Oxnard has considered at a public hearing a proposed uncodified ordinance prohibiting the sale, supply or provision of marijuana within the City; and

WHEREAS, such ordinance is not a project for the purposes of the California Environmental Quality Act; and

WHEREAS, the Planning Commission has considered the conflict between the Compassionate Use Act adopted by the voters of the State of California and the Controlled Substances Act enacted by the Congress of the United States; and

WHEREAS, the Planning Commission has also considered that the United States Supreme Court decided in Gonzales v. Raich (545 U.S. 1) that a violation of the Controlled Substances Act is punishable in California notwithstanding the Compassionate Use Act; and

WHEREAS, the sale, supply, or provision of marijuana for medical purposes is illegal under the Controlled Substances Act.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Oxnard recommends to the City Council approval of an uncodified ordinance as shown in Exhibit A, attached hereto.

PASSED and ADOPTED by the Planning Commission of the City of Oxnard on this ___ day of October, 2007 by the following vote:

AYES: Commissioners:

NOES: Commissioners:

ABSENT: Commissioners:

Dr. Sonny Okada, Chairman

ATTEST: _____
Susan L. Martin, Secretary

Exhibit A

ORDINANCE OF THE CITY OF OXNARD

ORDINANCE NO. _____

AN UNCODIFIED ORDINANCE OF THE CITY OF OXNARD PROHIBITING THE SALE,
SUPPLY, OR PROVISION OF MEDICAL MARIJUANA WITHIN THE CITY

WHEREAS, on November 15, 2005, the City Council adopted Ordinance No. 2706, imposing an urgency interim prohibition of medical marijuana dispensaries pending study by the Planning Manager of the Development Services Department of a zoning proposal to address the prohibition or location and regulation of such businesses; and

WHEREAS, on December 20, 2005, the City Council adopted Ordinance No. 2712, extending the effective period of Ordinance No. 2706 and the urgency interim prohibition of medical marijuana dispensaries pending study by the Planning Manager of a zoning proposal to address the prohibition or location and regulation of such businesses; and

WHEREAS, on October 17, 2006, the City Council adopted Ordinance No. 2725, extending the effective period of Ordinance No. 2712 and the urgency interim prohibition of medical marijuana dispensaries pending study by the Planning Manager of a zoning proposal to address the prohibition or location and regulation of such businesses.

The City Council of the City of Oxnard makes the following findings:

1. In 1996 Proposition 215, the Compassionate Use Act ("the Act"), was adopted by the voters of the State of California. The Act authorized the use of marijuana for medical purposes within California. The Act also allowed care givers to provide medical marijuana to eligible persons.
2. In 2005, the United States Supreme Court issued its decision in Gonzales v. Raich (545 U.S. 1). The Supreme Court held that the regulation of marijuana under the federal Controlled Substances Act was within the power of Congress.
3. In accordance with the Supreme Court's decision in Gonzales v. Raich, the sale, supply, or provision of medical marijuana pursuant to the Act is in violation of and prohibited by the Controlled Substances Act.
4. Until the conflict between the Act and the Controlled Substances Act is resolved, the sale, supply, or provision of medical marijuana is illegal under federal law.
5. California Government Code section 37100 authorizes a city to "pass ordinances not in conflict with the Constitution and laws of the State or the United States."

NOW, THEREFORE, the City Council of the City of Oxnard does ordain as follows:

Part 1. Since the United States Supreme Court decided in Gonzales v. Raich (545 U.S. 1) that the sale, supply, or provision of marijuana continues to be a violation of the Controlled Substances Act notwithstanding state law to the contrary, no license or permit shall be issued for the sale, supply, or provision of marijuana within the City and the City Code shall not be interpreted as allowing or authorizing the sale, supply, or provision of marijuana within the City.

Part 2. Within 15 days after passage, the City Clerk shall cause this ordinance to be published one time in a newspaper of general circulation with the City. Ordinance No. _____ was first read on _____, 2007 and finally adopted on _____, 2007, to become effective thirty days thereafter.

AYES:

NOES:

ABSENT:

Dr. Thomas E. Holden, Mayor

ATTEST:

APPROVED AS TO FORM:

Daniel Martinez, City Clerk

Gary L. Gillig, City Attorney

Report on Medical Marijuana Dispensaries

This report was prepared by the El Cerrito Police Department and is based upon conversations with other law enforcement personnel and news accounts.

Areas that currently act as a hindrance to a true study of this topic are the following:

Under Reporting: With few exceptions, agencies contacted stated that they felt that the crimes related to medical marijuana dispensaries were under reported, if reported at all. Confidential informants have provided information that these additional crimes (robberies, assaults and burglaries involving marijuana or large amounts of cash) are not reported so as to not draw additional law enforcement and media scrutiny to this issue.

Crime Classification: Another barrier to collection of this data is the lack of classification of this data as medical marijuana related. In years past, statistical analysis of domestic violence and hate crimes was difficult. These crimes now receive their own classification so tracking them is much easier. However until such time as medical marijuana crimes receive their own classification, separating these crimes from non medical marijuana related crimes is very difficult.

Lack of Straight Statistical Data: Gathering statistical data on this topic would appear to be a simple task. One would imagine that you would look at crime in a given location prior to the arrival of a medical marijuana dispensary and then look at crime after its arrival. This presents several difficulties. First, based on Internet research, there appears to be approximately 240 medical marijuana dispensaries (www.canorml.org) located in almost as many jurisdictions. No one agency can access data from all these locations and not all agencies compile this data. We spoke with several agency representatives and each had information regarding this issue, however few had specific crime statistics. Secondly, not all crimes related to medical marijuana take place in or around a dispensary. Some take place at the homes of the owners, employees or patrons. Lastly not all the secondary issues related to medical marijuana dispensaries are crimes. Loitering, additional vehicle and pedestrian traffic, use of medical marijuana at or near the facilities are described as quality of life issues and are only really quantified when they appear in the newspaper or the complainants appear at a City Council meeting.

Prior to discussing the reports of other law enforcement agencies, we would like to present some information from our Department. While our City does not currently have a medical marijuana dispensary, this does not mean that we are immune from their effects.

On January 7, 2004 a resident of El Cerrito was arrested for possession of marijuana for sale. The subject was found to be in possession of 133 grams (4.6 ounces) of marijuana, a small amount of cash, a "replica handgun" pellet gun and three medical marijuana dispensary cards (Oakland Cannabis Buyers Collective, Cannabis Buyers Collective of Marin and Compassionate Caregivers of Oakland).

On February 25, 2005, the same subject mentioned above was discovered to be growing marijuana in his house. He was found to be in possession of 15 adult plants, 72 starter plants, 505 grams (1.10 lbs) of processed marijuana, 50 grams (1.75 oz) of hashish packaged for sale and two assault rifles as well as \$6,000.00 in cash. The subject claimed that these plants were medical marijuana. An investigation was conducted with the assistance of the West Contra Costa County Narcotic Enforcement Team and resulted in the conviction of the resident for unauthorized possession of cannabis and possession of an assault weapon.

On July 9, 2005, during a suspicious vehicle check, one of our Officers determined that a resident (who is a member of the Oakland Cannabis Buyers Cooperative) possessed 55 immature plants with the intent of cultivating them and selling them to a medical marijuana dispensary. The District Attorney has filed a complaint containing two felony charges of possession and cultivation of marijuana. This case is awaiting adjudication as the subject has failed to appear in court (it is believed he has fled to the state of Oregon) and a bench warrant has been issued for his arrest.

On March 8, 2006 our School Resource Officer received information that several students were ill after eating a cookie. The investigation revealed that a student had made cookies with a butter obtained outside (secondary sale) a medical marijuana dispensary containing a highly concentrated form of tetrahydrocannabinol (THC the active ingredient in marijuana). The student used the "butter to bake and then sell these cookies to other students. After the student discovered that the cookies were so potent that some of his fellow students had to be treated at local hospitals, instead of throwing them away, he gave them to other students without telling them what they were laced with. This incident resulted in at least four students requiring hospitalization and it is suspected at least two or three others were intoxicated to the point of sickness.

Gathering the data from these incidents required hours of research and examination. Many agencies have neither the available resources nor the inclination to gather data of this kind. We have spoken with representatives of other agencies who either have been told to avoid the issue or not to share data with other agencies. This makes presenting the data for consideration in this matter very difficult.

The following is a compilation of conversations with law enforcement personnel from jurisdictions that have dispensaries as well as news accounts. In all of these communities, law enforcement leaders were concerned with the impacts to the public health, safety and welfare by the commercial marijuana dispensing enterprise. All wished that they did not exist in their community. The trouble seems to occur when a large number of marijuana users, legal (under State law) and illegal gather at one location making them easy targets for illegal drug dealers; those freelance illegal drug dealers who are trying to recruit individuals with a doctors recommendation to legitimize (under State law) their sales and possession; and those who wish to prey upon the ill to steal their marijuana. This is compounded by the vast amounts of cash and little or no oversight of the processes of prescription, procurement and sales of medical marijuana.

ANAHEIM

May 19, 2004 a medical marijuana dispensary 420 Primary Caregivers obtained a business license and began operations.

Fall 2004, The Police Department began to receive complaints from neighboring businesses in the complex. The complaints centered around the ongoing sales of marijuana to subjects who did not appear to be physically ill, the smell of marijuana inside the ventilation system of the building and the repeated interruption to neighboring businesses.

January 2005, The medical marijuana dispensary was robbed at gunpoint by three masked subjects who took both money and marijuana from the business.

April 5, 2005, The Police Department met with the property management company, owners and representatives from the businesses in the complex which housed the medical marijuana dispensary. The meeting focused on the safety of the employees and patrons of adjacent businesses. Many neighboring businesses complained of marijuana use on the premises and in the surrounding area as well as a loss of business based on the clientele of the medical marijuana dispensary hanging around the area.

Since this meeting, two businesses have ended their lease with the property management company. A law firm that had been in that location for ten years left citing marijuana smoke had inundated their office...and they can no longer continue to provide a safe, professional location for their clientele and employees. A health oriented business terminated their lease after six years and moved out of the complex citing their business is repeatedly interrupted and mistaken multiple times a day for the store that has the marijuana. The owner fears that he or his employees may be shot if they are robbed by mistake and the suspects do not believe they do not have marijuana.

The property management company indicated at least five other businesses have inquired about terminating their lease for reasons related to 420 Primary Caregivers.

Arrests have been made supporting the belief that some qualifying patients purchase marijuana with a doctor's recommendation, then supply it to their friends for illicit use. Criminal investigations have revealed the business is obtaining its marijuana from a variety of sources including marijuana smuggled into the United States from South and Central America. The Police department has conservatively estimated the 420 Primary Caregivers business to be generating approximately \$50,000.00 a week in income.

(Source Declaration of Sgt. Tim Miller Anaheim P.D. Street narcotic Unit)

ALAMEDA COUNTY

January 12, 2005 a medical marijuana customer was robbed after leaving the The Health Center medical marijuana dispensary (San Leandro). The victim was accosted by two subjects who possibly followed the victim away from the dispensary.

February 6, 2005 a medical marijuana dispensary, the Compassion Collective of Alameda County was robbed by two subjects armed with handguns. The robbery took place at

4:50 pm in the afternoon and the suspects took an unspecified amount of cash and marijuana.

April 27, 2005 a medical marijuana dispensary, The Health Center (San Leandro) was burglarized at approximately 3:05 am. No specifics were provided as to the loss sustained as a result of the burglary.

May 24, 2005 a patron of a medical marijuana dispensary, A Natural Source (San Leandro) was robbed by three subjects in the parking lot of the dispensary after making a purchase of marijuana.

August 19, 2005: Five subjects armed with assault rifles conducted a take over robbery of a medical marijuana dispensary A Natural Source (San Leandro). They engaged in a shoot out with two employees and one of the suspects was killed in the exchange of gun fire.

Sept. 12, 2005: Both money and marijuana were stolen from the Alameda County Resource Center (16250 East 14th St.) when burglars chopped through the wall of an adjacent fellowship hall during the night.
(Source Declaration by Lt. Dale Amaral Alameda County Sheriff's Department)

(Unincorporated San Leandro and Hayward)

Officer initiated events may be vehicle stops or on-view arrests.

16043 East 14th Street: 2003: 2 Officer initiated activity events, 2004: 1 Officer initiated activity events. This business is now closed.

21227 Foothill Blvd., Garden of Eden, 2003: 1 Officer initiated activity event, 2004: No calls for service, 2005: 1 Theft call, 4 alarm calls, 1 Officer initiated activity event.

913 E. Lewelling Blvd., We are Hemp, 2003: 1 Officer initiated activity event, 2004: 1 Assault call, 2 Officer initiated activity events, 2005: 1 Assault call, 1 Officer initiated activity event.

16250 East 14th Street: 2003: 11 Officer initiated activity events, 2004: 3 loitering calls, 9 Officer initiated activity events, 2005: 5 Officer initiated activity events.

15998 East 14th Street: The Health Center 2003: 1 Officer initiated activity event, 2004: 1 trespassing call, 1 assault, 2 disturbance calls, 2 miscellaneous, 26 Officer initiated events, 2005: 1 robbery, 1 aggravated assault, 1 grand theft, 3 petty thefts, 2 vehicle thefts, 4 trespassing calls, 5 loitering calls, 1 weapons possession, 2 controlled substance cases, 4 alarm calls, 9 disturbance calls, 3 miscellaneous calls and 21 Officer initiated events.

16360 Foothill Blvd: 2003: 1 Officer initiated activity event, 2004: 2 Officer initiated activity events, 2005: 1 homicide, 2 aggravated assaults, 1 grand theft, 1 controlled substance case, 13 alarm calls, 2 Officer initiated events.

21222 Mission Blvd: Compassionate Collective of Alameda County 2003: 2 Officer initiated events, 2004: 5 Officer initiated events, 2005: 1 attempted homicide, 2 robberies, 2 burglaries, 2 controlled substance cases, 10 alarm calls, 2 disturbance calls, 1 miscellaneous calls and 2 Officer initiated events.
(Source Alameda County Sheriff's Department Report)

Linda Sandsmark San Leandro Times

San Leandro, CA Sept 29, 2005 -- A woman was carjacked and robbed Monday afternoon after she left The Health Center (THC) marijuana club at 15998 East 14th Street. Citizens in the area saw the crime occur about four blocks from THC and called police on their cell phones.....The unidentified woman, who is from Garberville in Humboldt County, walked back toward the clinic and her car was found on nearby Liberty Street.

BAKERSFIELD

Sep 8th, 2005. DEA arrested three subjects in raid on the Free and Easy cannabis dispensary. Kern County sheriffs summoned the DEA after being called to investigate a robbery at the facility. Police found plants growing at one subject's home plus 20 lbs of marijuana, and illegally possessed firearms.

(Source) <http://www.canor ml.org/news/fedmmjcases.html>

BERKELEY

March 30, 2000: Two males armed with sawed off shotguns forced entry into a residence and forced the occupant at gun point to turn over a safe. A subsequent investigation revealed that a second resident who was not home at the time was a former director of a medical marijuana dispensary and was the intended target of the robbery.

October 2001, December 2001 and June 2002: The medical marijuana dispensary on University was robbed. Large sums of money and marijuana taken.

March 2003: A home invasion robbery over marijuana cultivati on escalated into a homicide.

December 2003: The medical marijuana dispensary on Telegraph was robbed. (No further info provided)

David Scharfenberg, Daily Planet staff (06-07-02)

Four men stole \$1,500 and \$3,500 worth of marijuana from the Berkeley Medical Herbs pot club yesterday after two of them were allowed on site without proper identification. The afternoon heist renewed concerns about the integrity of the club's security and reignited some anger in the neighborhood. "I think it's a public nuisance and I think it needs to be closed," said City Councilmember Linda Mayotte incident marks the third time in a year robbers have stormed the medicinal marijuana club, located in a small brick building at 1627 University Avenue.

The last robbery, in December, prompted a rash of concern from city officials about security at the club. Medical Herbs responded to that by closing at 4 p.m. so it would only be open during daylight hours. The club hired a licensed security guard, installed video cameras, and it agreed to limit the amount of cash and pot on the premises, among other measures....

BUTTE COUNTY

Butte County does not track statistics related to medical marijuana dispensaries, however a Detective in the Investigations Unit knew of at least six robberies or attempts, one of which involved a shoot out between the suspect and victim occurred during the months of August to October 2005. Each of these robberies took place at the victim's residence and the target was the victim's marijuana cultivation. He stated that this is the busy time of year for these activities as it is harvest time for the marijuana grows.
(Source Det. Jake Hancock Butte County Sheriff's Department)

CALAVERAS COUNTY

Jan. 2005. Federal government files forfeiture suit after local sheriff finds 134 marijuana plants. Government seeks to forfeit a home and five acres of land. The defendant says he was growing for half a dozen friends and family members and had checked with local authorities to make sure he was within legal guidelines.
(Source <http://www.canormi.org/news/fedmarijcases.html>)

CHERRYLAND

Cherryland, CA June 30, 2005 -- An employee of a marijuana dispensary narrowly escaped with his life after a gunman opened fire as he waited outside the establishment for co-workers to arrive. The employee, whom authorities declined to identify, was sitting inside his car in the rear parking lot of the Collective Cannabis Club at 21222 Mission Boulevard on Tuesday morning when a masked gunman appeared, said Lt. Dale Amaral, spokesman for the Alameda County Sheriff's Department.
(Source http://www.hemprevolution.org/media/santa_cruz_sentinel/scs041213.htm)

CLEAR LAKE

There have been a few reported robberies of medical marijuana patients away from the dispensaries. One significant case involved home invasion robbery. Multiple suspects entered the home of a person who was known to be a medical marijuana user. During the robbery, one resident was beaten with a baseball bat while the suspects made inquiries regarding the location of the marijuana. Two of the suspects were shot and killed by the homeowner.
(Source Clear Lake P.D. Inv. Clawson)

CONCORD

Late last year we passed a zoning ordinance prohibiting all dispensaries. PD involvement was limited to providing input on the secondary effects of dispensaries on public safety (211's, 459's, clientele coming and going, parking issues, etc.) The night Council voted on the ordinance we had a parade of medicinal marijuana users who all shared their stories about how marijuana saved their lives.

So now, we have a total ban. We were facing a lawsuit from one of the dispensaries, but in order to move forward with their permit application to relocate to Pacheco, they agreed to drop the suit.

We had very few incidents directly associated to our dispensary. In fact, most of the issues were quality-of-life issues such as loitering and parking problems. Some of the adjacent businesses complained about clients taking up parking stalls, double parking, etc. in order to run in and obtain their medication.

So, we don't have much for you. However, we relied on some information from Alameda County, particularly their experience with 211 activity and a shooting outside of one of their clubs.

Best contact, for starters anyway, is our Assistant City Attorney, Mark Boehme.

CLOVIS

In December of 2005 the Clovis Police Department in conjunction with the Fresno County Sheriff's Department conducted an investigation which resulted in the arrest of a subject for possession of 120 pounds of marijuana. The subject of the investigation was found to have a medical marijuana card which helped facilitate his possession and sales of marijuana.

(source www.ci.clovis.ca.us/PressReleasesDetail.asp?ID=838)

EL DORADO COUNTY

Medical marijuana dispensary operated medical marijuana clinic in Cool, California with 6000 patients; DEA raided Sep. 28, 2001; seized patient records. Indicted Jun 22, 2005 for marijuana found on premises.

(Source <http://www.canor.ml.org/news/fedmrmjcases.html>)

FAIRFAX

- Chief of Police Ken Hughes, advised the following:
- Fairfax has one marijuana dispensary
- Fairfax has had some problems with patients selling to non-patients
- They have had problems with purchasers from dispensary congregating at a baseball field to smoke their marijuana
- Fairfax police arrested one person who purchased marijuana at the dispensary and then took it to a nearby park where he tried to trade it to a minor for sex
- Very small town and low crime rate

(Source Rocklin P.D. report)

HAYWARD P.D.

- Acting Chief Lloyd Lowe, advises the following:
- Hayward has three dispensaries total, two legal under local ordinance and one illegal.
- They have had robberies outside the dispensaries
- They have noticed more and more people hanging around the park next to one of the dispensaries and learned that they were users in between purchases
- They have problems with user recommendation cards - not uniform, anyone can get them

- One illegal dispensary sold coffee, marijuana and hashish - DA would prosecute the hashish sales and possession violations after arrests were made
- They have received complaints that other illegal drugs are being sold inside of dispensaries
- The dispensaries are purchasing marijuana from growers that they will not disclose
- Chief Lowe believes that the dispensaries do not report problems or illicit drug dealers around their establishments because they do not want the police around
- Hayward Police arrested a parolee attempting to sell three pounds of marijuana to one of the dispensaries
- Hayward has recently passed an ordinance that will make marijuana dispensaries illegal under zoning law in 2006

(Information provided by Rocklin P.D. report)

HUMBOLDT COUNTY

One subject arrested in Humboldt County Aug 01, 2001 growing 204 plants for the Salmon Creek patients' collective; case turned over to the feds, pled guilty Dec 6; sentenced to 15 months for possession. Released from prison May 2003.

Meanwhile, in a separate case, this subject won a landmark federal lawsuit for return of one ounce of pot seized by the DEA at the request of the Humboldt sheriff after the latter was ordered to return under Prop. 215. This subject is now missing and presumed dead since Aug 2003; police suspect foul play.

(Source <http://www.canor.ml.org/news/fedmmjcases.html>)

LAYTONVILLE

QUINCY CROMER/The Daily Journal (Excerpts from the article)

The owner of Mendo Spiritual Remedies in Laytonville and Hemp Plus Ministry in Ukiah -- who says he provides medical marijuana to more than a thousand people in Mendocino County -- will be in court next week to face charges for cultivation of marijuana. Les Crane, founder and self-proclaimed reverend of the two churches where medical marijuana is available locally, said some 5,000 cannabis plants and his life savings -- about \$6,000 converted into gold -- were seized by the Mendocino County Sheriff's Office on May 16. "They came here because a guy was coming to rob my house. I called them to come and solve the problem and then they found out about the grow. We showed them all the documentation and they left and went and got a search warrant and came back and searched my church," Crane said.

(Source) <http://www.hightimes.com/vnews/content.php?bid=1203&aid=10>

Saturday, November 19, 2005

By GLENDA ANDERSON, THE PRESS DEMOCRAT

A Laytonville pot guru who founded two Mendocino County medicinal cannabis dispensaries was shot to death during an apparent robbery in his home early Friday morning. Les Crane, who called his pot dispensaries churches and referred to himself as a reverend, said he was in the business to help ailing people, not to make money. He had said he had nearly 1,000 patients. He was killed at about 2:30 a.m. Friday in his home,

which is about a mile from the center of Laytonville.... Two other people in Crane's home at the time of the shooting were beaten....Crane's death is believed to be related to his marijuana-growing and dispensing activities, Mendocino County authorities said. "I am totally surprised we haven't had more robberies and violent crimes associated with these things because of the amount of money involved and the value of the product," Sheriff Tony Craver said. Crane's Ukiah cannabis dispensary, Hemp Plus, offered exotic varieties of pot that sell for as much as \$350 an ounce. He also had a dispensary in Laytonville. He called marijuana "the tree of life" and said God placed it on Earth to benefit man. His religious credentials were issued by the Universal Life Church, which supplies certificates through the mail and the Internet. Sheriff's Lt. D.J. Miller provided few details of the crime, pending further investigation, including how many times Crane was shot or if any money or items were taken. Mendocino County officials had doubts about Crane's purpose for growing pot, and in May he was arrested for marijuana cultivation and several thousand pot plants were confiscated from his home. The criminal case was pending when he was killed.

Local governments throughout California have reacted to crime concerns by adopting laws regulating the sale and cultivation of medicinal pot. But there have been just a handful of medical pot-related crimes in Mendocino County in the past few years, Craver said. They include a 2002 incident in which two Willits residents were shot and wounded during a home-invasion robbery..

(Source) <http://www.pressdemocrat.com/apps/pbcs.dll/article?AID=/20051119/NEWS/11190303>

LAKE COUNTY TASK FORCE: (Bureau of Narcotic Enforcement)

One recent case currently in federal litigation involves the seizure of 32,000 plants from one grow. The cultivator claims that he is a provider for medical marijuana patients and therefore exempt from prosecution for cultivation. The subject was arrested and released on bail pending trial on marijuana charges with possible sentence of 12 years to life. On Feb 16, 2005 this subject was re-arrested along with another subject after allegedly selling one pound of marijuana to DEA agents, who claim they did not mention medical purposes.

(Source) Lake County Narcotic Enforcement Team

LAKE COUNTY IMPACTS

Sheriff Rod Mitchell, advised the following:

- Lake County has one marijuana dispensary in Upper Lake (Two as of this writing)
- The biggest problem is the doctor, close by the dispensary who is known across the state for being liberal in his recommendations to use marijuana for a fee of \$175
- Many "patients" come from hours away and even out of state, Oregon specifically, to get a marijuana recommendation from the doctor
- Upper Lake has been impacted by the type of people coming for the marijuana doctor and dispensary. Citizens report to the Sheriff that the people coming to Upper Lake for marijuana look like drug users ("dopers").

- One quilt shop owner has told the sheriff that she does not feel safe anymore because of the type of people drawn to the marijuana doctor and the dispensary, which are located close together in the very small town.
 - They also have a notorious marijuana grower who beat prosecution for cultivation by making a medical claim. Law enforcement has taken a hands off approach even though he is blatantly violating the law.
 - The marijuana grower has recently claimed to be a church to avoid paying taxes.
- (Source Rocklin P.D. report)

LOS ANGELES COUNTY

January 2004, Approximately six to eight known medical marijuana dispensaries operating in West Hollywood. Several of the medical marijuana dispensaries have generated calls for service.

January 10, 2004, An assault with a deadly weapon and a vandalism are reported at one of the medical marijuana dispensaries as well as calls generated reporting obstruction of the street or sidewalk.

February 19, 2005, A medical marijuana dispensary LA Patients and Caregivers reported that two subjects armed with handguns robbed the dispensary.

May 6, 2005, A search warrant was served at one of the dispensaries by L.A.P.D. (no further information provided)

May 15, 2005, A medical marijuana dispensary Alternative Herbal Health Services four to five subjects are with handguns entered the business at 4:25 pm, one of the employees was pistol whipped as the suspects demanded access to the dispensary's safe.
(Source Declaration of Sgt. Robert McMahon Los Angeles County Sheriff's Department)

LOS ANGELES

RECENT INVESTIGATIONS

In May 2005, the LAPD began investigating Compassionate Caregivers Group (CCG) Inc., a medical marijuana dispensary located in West Hollywood, that bordered the City of Los Angeles. The dispensary was one of seven CCG medical marijuana dispensaries throughout the state. The owner of CCG, a marijuana trafficking fugitive from another state, also owned Green Medicine Group (GMG) that referred prospective patients to their group of doctors throughout the state. One of the GMG doctors saw as many as 49 patients a day charging from \$150-\$250 per patient. The same doctor saw 293 patients in one week. The doctor allegedly examined each patient from a closed-circuit television monitor and a clerk in another office where the patient was, handed out pre-signed medical recommendations. Young people from all over Los Angeles County flocked to CCG to buy marijuana and then returned to their respective communities to conduct street sales of the drug. No one on the premises had medical or pharmaceutical training or licensing to distribute marijuana, edibles, plants and liquids. There was no first aid kit, defibrillator or trauma kit present at the location in case of a medical emergency. Furthermore, the business promoted the sale and cultivation of 60 strains of marijuana, of

which, only six strains were for medical purposes. Evidence was also recovered at the scene that showed the dispensary was in business to make a profit. Over \$1.7 million in cash alone was received during the month of March 2005. And, most importantly, only three medical marijuana recommendations were found for patients residing in Los Angeles County, yet they provided medical marijuana to an average of 300 patients per week. The County Ordinance provides for the sales and consumption of edible marijuana. Edibles are food products, i.e. soda pop, peanut butter, candy, bakery items, jam and other liquids that contain various levels of Tetrahydrocannabinol (THC), the psychoactive agent of marijuana. There were no regulations in the ordinance for the quality control, potency, dosage and legality of the products sold. There is no Food and Drug Administration approval of the products. On March 23, 2006 in Oakland, "Beyond Bomb," one of a handful of manufacturers and distributors of edible marijuana products, who distribute edibles to medical marijuana dispensaries in California and the US, was searched by the Drug Enforcement Administration (DEA). The owner was arrested for marijuana trafficking.

The ordinance called for a security system and guards for each location. This requirement has not been an issue in the past. Medical marijuana dispensaries typically have had more extensive security systems than Sav-On, Rite Aide or Walgreen drug stores, and yet they still have been robbed and assaults and murders have occurred because they keep exorbitant amounts of cash and marijuana on hand. In addition, the security systems and guards do nothing for the surrounding businesses or area. Many of the dispensaries locally employ street gang members with extensive criminal histories as security guards and many of them are armed. In addition, where medical marijuana dispensaries have sprung up, the surrounding area has seen a 50 percent increase in Part I crime. Several unincorporated areas within the County of Los Angeles border the City of Los Angeles. Compounding this issue, the Los Angeles County Sheriff's Department has a policy of not enforcing the law at medical marijuana dispensaries. Therefore, if the City of Los Angeles does adopt the same ordinance, crime will significantly increase in these areas making it extremely difficult to enforce the law.

(Source Det. Dennis Packer Asset Forfeiture/Narcotics Vice Division L.A.P.D.)

MERCED

Aug 10th, 2005. a medical marijuana patient activist was arrested on federal charges. The charges stemmed from a raid in February 2004, when some 900 plants were seized from the subject's greenhouse. The subject had maintained that the plants were all for legal Prop. 215 patients. After 18 months of court continuances, state officials turned DC's case over for federal prosecution.

(Source <http://www.canormf.org/news/fedmjcases.html>)

MODESTO

July 18th, 2005. DEA arrests three subjects on charges stemming from a raid by Stanislaus Co sheriffs, who reported discovering 49 plants and 235 pounds of marijuana there. The main subject of the investigation and his wife had been providing medical marijuana for patients at a San Francisco dispensary.

(Source <http://www.canormf.org/news/fedmjcases.html>)

OAKLAND

- Large criminal element drawn to the dispensary location
- Marijuana dealers who have a doctor recommendation are purchasing from the dispensary and then conducting illegal street sales to those who do not have a recommendation .
- Street criminals in search of the drugs are robbing medical use patients for their marijuana as they leave the dispensary.
- Thefts and robberies around the location are occurring to support the illegal and legal (by State law) drug commerce.
- Chief Word mentioned that a shoe repair business next door to a dispensary has been severely impacted because of the concentration of criminals associated with the dispensary. The shoe repair business owner is considering shutting down his business.
- They had more than 15 total in city, now limited to four by ordinance but control is not very strong. The fines are too small to control a lucrative business.
- Most of the crime goes unreported because the users do not want to bring negative publicity to the dispensary.
- The dispensaries have an underground culture associated with them.
- At least one of the dispensaries had a doctor on the premises giving recommendations on site for a fee.
- One location was a combination coffee shop and dispensary and marijuana was sold in baked goods and for smoking.
- Dispensary management has told the police that they cannot keep the criminal element out.

(Source) Rocklin P.D. report

Oakland Tribune by Susan McDonough,
November 10, 2003 A medical marijuana club in Oakland's so-called Oaksterdam district was the target of an invasion-style armed robbery Sunday morning. Four men, one with a gun, tied up a bouncer outside Compassionate Caregivers at about 8:10 a.m. and barreled their way to where the cannabis club is located on the top floor of the three-story building, police said. Several medical marijuana patients and staff members were inside the club at 1740 Telegraph Ave.....The gunmen tied up another person inside the dispensary and took several ounces of marijuana and a significant amount of cash before fleeing, police said..... Oakland Police Sgt. Hugh Kidd said no one was injured and no patrons or staff members were robbed individually. Oakland was one of the first U.S. cities to legitimize the use of medical marijuana by deputizing a former club on Broadway as a distributor. That dispensary was shut down by the U.S. Drug Enforcement Agency in 1998, but a number of marijuana-related businesses have sprung up in the neighborhood to replace it. Cannabis clubs in Berkeley and Sacramento have been hit by similar armed robberies in recent years.

(Source) <http://www.mapin.c.org/newscmc/v03/n1750/a02.html>

June 30, 2004: Five subjects were arrested by DEA following a CHP raid on a warehouse where 4,000 plants were found. The subjects claim that the plants were for a

licensed dispensary. Police gave conflicting accounts of the incident; the CHP says it called on the DEA after Oakland police declined to help. Two defendants have pled not guilty to manufacturing charges bearing a 10-year to life sentence.

March 16, 2006. DEA raids cannabis candy manufacturer, "Beyond Bomb," at three different East Bay sites, seizing over 5,000 plants, \$150K cash, and the company's stash of cannabis candies & soda pop. Arrested are the owner and 11 other employees. DEA says products were packaged in eye-catching candy wrappers that might pose danger to kids. Supporters say that products were distributed for use by medical marijuana patients. (Source) <http://www.canor.ml.org/news/fedmmicases.html>

One Department representative was willing to speak with me, but did not wish to be quoted for this report. They advised me of a recent carjacking. This event involved an owner and three employees of a medical marijuana dispensary. None of the four could agree on any fact relating to the case other than while property of the dispensary was stolen, no marijuana or cash was taken.

PLEASANTON

The City of Pleasanton does not have any dispensaries operating in Pleasanton, whether legally or illegally. Pleasanton has a moratorium on dispensaries in place, has not prepared any reports on a ban, and staff will request that Council extend the moratorium for another 12 months. In support of the moratorium, the following health / safety / welfare information was cited;

Juveniles in Pleasanton found with marijuana which was re-sold to them after having been obtained from a dispensary.

A dispensary employee was the victim of a robbery at his home after he brought more than \$100,000.00 in cash from a medical marijuana dispensary back to his home to Pleasanton.

(Source Larissa Seto Assistant City Attorney)

ROSEVILLE:

- Street level dealers trying to sell to those going to the dispensary at a lower price
- People are smoking marijuana in public around the facility
- People coming to the community from out of town and out of state to obtain marijuana (Nevada State, San Joaquin County, etc)
- Marijuana DUI by people who have obtained from dispensary
- At least one burglary attempt into building

(Source Rocklin P.D. report)

On January 13, 2006 the proprietor of the Roseville's medical marijuana dispensary was indicated by a Federal Grand Jury on 19 counts of marijuana trafficking and money laundering. The indictment alleges that in an eight month period the defendant made approximately \$2,750,849.00 from the sale of medical marijuana and of that figure \$356,130.00 was traced to money laundering activities. The U.S. Attorney handling the

case stated, "This case is a perfect example of a person using medical marijuana as a smokescreen to hide his true agenda, which is to line his pockets with illegal drug money."

(Source Press release California State Attorney Generals Office)

SACRAMENTO

Sacramento has four dispensaries. Relatively few crimes other than at least two burglary attempts. Most of the complaints came to the council via citizens regarding quality of life issues i.e. loitering, traffic and use of marijuana in or near the dispensaries.

July 7, 2005. The director of Alternative Specialties dispensary, charged by feds following raid by Sacramento County Sheriff that uncovered two indoor gardens with an alleged 800 plants. Sheriffs say the subject had a criminal record for embezzlement and failed to file for a business license. He was charged with the manufacture of marijuana and illegal possession of weapons.

(Source <http://www.canor.ml.org/news/fedmmjcases.html>)

SAN LEANDRO

San Leandro does not have any medical marijuana dispensaries within their city limits. They do however have employees of medical marijuana dispensaries from other jurisdictions living in their city.

(Source Mark Decoulode San Leandro PD)

SAN FRANCISCO

June 22, 2005. Feds raid 3 dispensaries and indict 20, mainly Asian-Americans, in what is described as a major organized crime operation. Some defendants charged with money laundering and sales of ecstasy. Others include the director of first Asian-American medical cannabis dispensary.

(Source) <http://www.canor.ml.org/news/fedmmjcases.html>

Dec. 20, 2005 - DEA raids HopeNet Cooperative after first raiding home of HopeNet directors Steve and Catherine Smith. No arrests. Agents seize cash, medicine, a few hundred small indoor plants, mostly cuttings and clones.

(Source) <http://www.canor.ml.org/news/fedmmjcases.html>

Federal authorities raided three San Francisco medical marijuana dispensaries Wednesday, and investigators arrested at least 13 people as part of an alleged organized crime operation using the clubs as a front to launder money. Agents seized marijuana and other items from two cannabis clubs on Ocean Avenue in the Ingleside district and a third on Judah Street in the Inner Sunset district. The raids were the first in the Bay Area since the U.S. Supreme Court dealt a blow to the medical marijuana movement two weeks ago by ruling that the federal government had the authority to prosecute people whose activities are legal under state law.....Twenty people were charged in an indictment that federal authorities planned to unseal today. Authorities would not comment on the specific allegations against them. Authorities said.....that the operation controlled at least 10 warehouses where marijuana was grown in large quantities and that

those involved were bringing in millions of dollars. One warehouse in Oakland that federal agents raided earlier this month was capable of growing \$3 million worth of marijuana annually, investigators said. The marijuana ostensibly was for cannabis clubs, but the amount being grown was far more than needed to supply the dispensaries, authorities said.

(Source) <http://www.sfgate.com/cgi-bin/article.cgi?file=/c/a/2005/06/23/MNGRODDG321.DTL>.

May 14, 2005--In a daring home-invasion robbery at around 10PM, the house of the owner of Alternative Health and Healing Services at 442 Haight St was robbed of several pounds of cannabis and the dispensary keys. Details are sketchy, but it is believed that the robbers burst into the owner's home at gunpoint.

(Source) http://www.hemprevolution.org/thc/dispensary_robbed040514.htm

SAN DIEGO

Dec 12, 2005 - Interagency task force raids 13 of 19 San Diego dispensaries. Task force led by DEA with state police. Raids conducted under state, not federal search warrant. No arrests, investigation ongoing.

(Source) <http://www.canormail.org/news/fedmmjcases.html>

SANTA CRUZ

Santa Cruz Sentinel

Santa Cruz, CA Dec 13, 2004 -- Santa Cruz Police are asking for the public's help in finding four armed men who took marijuana grown for medicinal uses and electronics from two separate houses on Clay Street. Around 1 a.m. Sunday, a white, Asian and possibly two black males — all wearing masks and dark clothing — broke into two residences, rounded up their tenants, held them at gunpoint and ransacked their homes, all while demanding drugs and cash. Two of the victims were battered during the robbery, resulting in minor injuries not requiring hospital treatment. One of the suspects fired a single shot from a handgun when one of the victims tried to escape. No one was shot.

http://www.hemprevolution.org/media/daily_review/dr050824.htm

SANTA CRUZ COUNTY

Capitola 2004: Three suspects entered the victims home armed with a handgun in search of the residents medical marijuana grow. The resident and two guests were ordered to the floor. During the robbery the resident was shot and stabbed but managed to fight off the suspects who fled prior to the arrival of the responding Deputies.

Live Oaks October 1, 2005: Four suspects attempted to conduct a home invasion robbery of a home cultivator of medical marijuana. The homeowner fired a shotgun at the suspects who fled and were later captured by police following a vehicle pursuit and crash.

Ben Lomond March 5, 2006: Two suspects who identified themselves as "Police" forced their way into the victims residence. The victim was assaulted, robbed and left tied up in his residence until the next day when he was discovered. Subsequent investigation revealed that the motive for the robbery was the victims medical marijuana supply.

SANTA ROSA

May 29, 2002 Federal agents raided a medical marijuana buyers club here Wednesday and arrested two people. A U.S. Drug Enforcement Administration spokesman said two addresses were searched, including the club near downtown. Marijuana, cash, a car and a weapon were seized. Authorities declined to identify the arrested pair, saying all information about the case was sealed by a federal judge.

(Source) <http://cannabisnews.com/news/12/thread12999.shtml>

September 29, 2004 The father of the owner of a medical marijuana dispensary was followed home from the dispensary and robbed at gunpoint in front of his residence. The owner of the club believed that his business was being "cased" and that "further robberies were eminent."

January 25, 2005 Suspects force entry into a closed medical marijuana dispensary and burglarize the business taking three pounds of marijuana and cash.

March 3, 2005 Suspects forced entry into a medical marijuana dispensary a stole a laptop computer, marijuana and smoking paraphernalia.

April 15, 2005 Employees of a medical marijuana dispensary were robbed by a suspect armed with a shotgun as they were closing the business. The suspect stole a duffle bag of marijuana.

April 18, 2005 Suspects forced entry into a closed medical marijuana and stole a digital scale.

April 19, 2005 Suspects forced entry into a medical marijuana dispensary and stole one half pound of marijuana.

Mar 17, 2006 Suspects forced entry into a closed medical marijuana dispensary, loss unknown at this time.

(Source) Lt. Briggs Santa Rosa P.D.

The Vice unit has been involved in the investigation of the following medical marijuana dispensary related crimes:

A homicide, during a residential robbery where the suspects sought marijuana cultivated for a dispensary.

Four residential robberies, where the suspects sought marijuana cultivated for a dispensary.

Twelve cases where individuals were cultivating marijuana for dispensaries, but were found to be operating outside medical marijuana guidelines and in a "for profit" status. Each of these cases resulted in the arrest of the cultivators and disposition is pending.

Instances where undercover officers have found subjects buying marijuana from medical marijuana dispensaries under the guise of medical marijuana and then reselling the marijuana to non medical marijuana users.

(Source) Sgt. Steve Fraga Santa Rosa P.D.

SONOMA COUNTY

A subject was arrested May 9, 2001 while growing for himself and other patients; convicted by a jury of cultivating more than 100 plants on Feb 11, 2002; sentenced to 5 yrs probation; He was re-arrested July 31, 2002 for cultivating while on probation. Convicted and sentenced to 44 months for growing 920 plants Dec 19, 2002. Released on bail April 2004; awaiting sentencing post-Raich 2005.

The proprietor of Genesis 1:29 club in Petaluma was arrested Sept 13, 2002. Agents uprooted 3,454 plants at the club's garden in Sebastopol. The suspect pled guilty July 2003; sentenced to 41 months, July 2005. Information provided by:

(Source) <http://www.canormi.org/news/fedmripcases.html>

TEHEMA COUNTY

Two subjects were indicted by federal grand jury on Jan 8, 2004 after trying to assert medical marijuana defense in state court. Arrested with 100s of small seedlings, 33 mature plants, and a few pounds of processed marijuana in Red Bluff and Oakland. Defendants say they were for personal use. The Tehama DA turned the case over to the feds while pretending to negotiate a deal with their attorneys. Denied a Raich defense by Judge England.

(Source) <http://www.canormi.org/news/fedmripcases.html>

TRINITY COUNTY

A subject and his wife were arrested in 2003 for a sizable outdoors grow; they were re-arrested the next year after deliberately replanting another garden in public view. While awaiting trial, they were arrested once again, this time for a personal use garden of approximately ten plants.

(Source) <http://www.canormi.org/news/fedmripcases.html>

TUSTIN

After a medical marijuana dispensary opened, undercover officers conducted an investigation in the business. During the service of a search warrant, 25 pounds of marijuana was seized and the dispensary was shut down. The District Attorney still has not made a decision as to whether to file charges or not.

(Source) Scott Jordan Tustin PD

UKIAH

Over the last four years, the City of Ukiah has experienced an increase in crimes related to the medical marijuana dispensaries. There are four dispensaries in town as well as several citizens growing marijuana for the purpose of providing marijuana to dispensaries. There have been approximately ten robberies of either dispensaries or

private grows. Some of these robberies have resulted in shootings. There has also been an arson of a dispensary which the police department believes was the result of a dispute with a customer.

(Source) Det. Guzman Ukiah P.D.

Ukiah Daily News

An arson fire burned the Ukiah Cannabis Club Saturday morning, causing extensive damage and blackening neighboring structures as well. A man who told The Daily Journal he was upset with the Ukiah Cannabis Club, claiming club members owed him money for the crop of marijuana he grew for them, was arrested at the scene.

(Source http://www.hempevolution.org/media/ukiah_daily_news/udn020527.htm)

VENTURA

Two subjects were arrested Sept 28, 2001 for cultivating for the LACRC. Forfeiture filed against their property, including home they built for themselves, in July 02. Raided again and arrested for personal use garden of 35 plants in Aug 02; charged with cultivation.

Pled guilty Sep 03. Ninth Circuit denied appeal March 2006.

(Source) <http://www.canorml.org/news/fedmncases.html>

CALIFORNIA CHIEFS OF POLICE

The California Chiefs of Police outlined their collective opinion on their web site; Law Enforcement Concerns to Medical Marijuana Dispensaries;

- It violates Federal Law
 - Street dealers selling at lower prices to entice patients away from dispensaries
 - Non-residents coming into city to purchase marijuana
 - Neighboring businesses have experienced a loss of customers
 - Increase in unreported crime to avoid negative publicity to the dispensary
 - Problem of patients selling to non-patients (similar to providing alcohol to a juvenile waiting outside a liquor store)
 - Documented cases of robberies outside medical marijuana dispensaries
 - Dispensaries create alternative methods to market products – such as food items called Buddafingers, Munchy Way, Rasta Reese's and Puff-a- Mint Pattie
 - Complaints from patients that other illegal drugs are being sold at the dispensary
 - Marijuana dispensaries perpetuate a sub-culture that openly supports behavior consistent with criminal activity and publishes instructional material on the web.
- Examples include:
1. Assume you are under surveillance if you are in any way involved in providing medical marijuana to patients.
 2. Do not discuss sensitive matters on the phone, through the mail, by e-mail, or in your home, car, dispensary collectives or office.
 3. Don't gossip, brag or ask for compromising or unnecessary information about medical marijuana operations and activities.
 4. You should be cautious of theft. Many patients and care providers have been robbed because the wrong person knows sensitive information

- Management from an established dispensary told police that they cannot keep the criminal element out.

CALIFORNIA NARCOTIC OFFICERS ASSOCIATION

Agents have conducted sting operations on web sites such as "Craigslis" and recently conducted an investigation which resulted in the arrest of a subject for the sale of three pounds of marijuana as well as possession of an additional four pounds. This subject was an employee of a local medical marijuana dispensary.