

11-29-1983

Interim Hearing on Marijuana Cultivation

Senate Committee on Judiciary

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CALIFORNIA LEGISLATURE
SENATE COMMITTEE ON JUDICIARY

INTERIM HEARING
ON
MARIJUANA CULTIVATION

November 29, 1983
10:00 a.m. - 4:00 p.m.
Eureka City Hall, Council Chambers
531 "K" Street
Eureka, California

SENATOR BARRY KEENE, CHAIRMAN

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Nicholas Petris
Robert Presley
H.L. Richardson
David Roberti
Art Torres
Diane Watson

Staff

Gene W. Wong, Counsel
Linda Hashimoto-Myers, Secretary

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CHAIRMAN KEENE: Marijuana is estimated to be one of the largest cash crops in California. Undoubtedly, its cultivation has had a short-term positive economic impact on a number of communities in California. There is, of course, a big difference between the cultivation of marijuana and the cultivation of other agricultural products, the most important of which, to those of us who make laws and to those of us who are concerned about abiding by laws, is that marijuana cultivation is a felony, and it's punishable by somewhere between 16 months and 3 years in state prison.

There is another factor that distinguishes it from other agricultural products: the acts of violence committed by the cultivators to protect their fields, or by the dope robbers who are out to steal the crops, are a matter of increasing concern. In the past few years I've heard and seen reports of people that have been shot at, threatened, and even killed. These acts of violence cannot be condoned under any circumstances. They are growing, they are evolving a kind of second prohibition atmosphere as far as the lawlessness is concerned, and that has to stop. It represents a serious threat to the safety of hikers, hunters, fishermen, ranchers, property owners, and others who inadvertently come upon marijuana fields. They also pose a danger to law enforcement officers whose duty it is to seek out and destroy the plants.

I have convened this interim hearing of the Senate Judiciary Committee to explore the problems associated with the cultivation of marijuana. The hearing will focus on state

and local cooperative efforts to enforce the laws against cultivation, including especially the Attorney General's Campaign Against Marijuana Planting. The hearing will also be used to discuss the effects of marijuana cultivation on the local economy, the problems that are faced by local law enforcement, by prosecutors, and by the judiciary in enforcing the law, and of course the need for any legislation.

John Van de Kamp, our Attorney General, the chief law enforcement officer of the State of California under the Constitution, has graciously agreed to appear before the committee. We will also hear from many local, state and federal officials who have taken time from their busy schedule to be with us. The first witness is the Attorney General, John Van de Kamp. Would you please come forward, and while he is, I'd like to introduce my colleague and good friend from the State Assembly, the Honorable Dan Hauser. I have with me members of the staff of the Judiciary Committee, one whom you are quite familiar with, Don Peterson, former Supervisor here in Humboldt County, former Coastal Commissioner and a professor at both the State University and the Community College. I'd also like to introduce from our committee staff, and the person who is chiefly responsible for research effort, Gene Wong, who is an attorney on the staff of the Senate Judiciary Committee, and Linda Hashimoto who is our secretary who is with us today. Mr. Attorney General, why don't you begin, and again I apologize for the lack of technological conveniences to elevate your voice.

ATTORNEY GENERAL VAN DE KAMP: Senator, could I make one suggestion, it might be easier for me to sit up there talking out. You will be able to hear me clearly, and then rather than talking to the front of the room, I think that I could be heard in back.

CHAIRMAN KEENE: I think that is an excellent suggestion, why don't you join us up here and give us your testimony from up here. Maybe I could also ask Steve Helsley and Robert Elsberg to come forward to the front table here since they'll be testifying as to many of the same items that you will.

ATTORNEY GENERAL VAN DE KAMP: Thank you very much Senator and members of the Committee, I appreciate the opportunity to open this important hearing with a report on the success, if you can call it that, of our recently completed Campaign Against Marijuana Planting. Certainly the success of the CAMP program should serve as a model for similar programs throughout the country, as well as to provide a strong foundation for expansion of the program in California next year. In the final analysis, CAMP's exemplary success this year shows what can be accomplished through cooperative efforts; a joint effort, if you will, of local, state and federal agencies.

I think it is appropriate that the hearing is being held today in Humboldt County, which was one of the fourteen counties participating in CAMP, and I might say at their own request, and by far and away the most prodigious in terms of successful CAMP eradication. During the CAMP Program,

more than 17,000 plants weighing just under 118,000 pounds were seized in Humboldt County as part of CAMP, which state-wide destroyed more than 64,000 plants weighing more than 215,000 pounds with an estimated street value of approximately \$130 million. In Humboldt County alone, when you combine the totals that we were able to obtain and eradicate with the local seizures by the sheriffs and police departments of this county, 37,000 plants were destroyed here weighing 234,000 pounds. This is more than half the total of plants taken in all the CAMP Program in the State.

Clearly, considerable CAMP resources were concentrated in the prolific marijuana cultivation areas of Humboldt, and I would particularly like to thank Sheriff Renner and his lead deputies for CAMP, Chris Theil, Ken Johnson, and Greg Busey and Region Coordinator #1 Erwin Wade, State Department of Justice Special Agent in our Redding Field Office. Because of the heavy volume of CAMP activity in this particular region, which was headquartered here, raid teams for other regions were called in and 80 police volunteers from Southern California were enlisted in this effort as well.

You have already met two of my aides who are with me this morning, Chief of the Attorney General's Bureau of Narcotics Enforcement, Steve Helsley, and the CAMP coordinator for this past year Bob Elsberg. I can tell you, truthfully, and with great sincerity that both did a simply outstanding job in putting together what I think is one of the pioneering efforts in this particular area.

Based on our analysis of the success of this first year venture, we intend to expand the program next year, and to improve on it. In the final analysis, we aim to send a message to the marijuana cultivators in this state that we intend to run them out of business. It's not going to happen in one year--it probably won't happen next year. But, over a sustained period of time, with a sustained effort, it can and will happen.

The 1983 program concentrated the use of federal, state and local law enforcement resources and technology in 14 Northern California Counties, raided 524 sites to seize and destroy, the sum 64 or 65,000 plants that we are talking about. You put your arithmetic to work, you get an idea of the average plot size. We are not talking about large plantations, we are talking about relatively small sites. Indeed the seizures took place in the middle and during the height of the growing season from mid-August to mid-October, and at the close of the program, not only were the seizures obtained but 78 persons were arrested with warrants outstanding for approximately 50 more.

Although this program was coordinated by the Attorney General's office, which has been working on cooperative marijuana eradication efforts since 1979, CAMP's successes would not have been possible without the active participation of all the various agencies involved. Indeed we were here upon invitation and we were here with the help of some 27 agencies--federal, state and local.

One of our major concerns has been--and continues to be--something that Senator Keene referred to and that is the level of violence and lawlessness in these counties as a result of the marijuana harvest. Significantly, in our particular operation, although there were I think five instances where CAMP personnel were fired upon, no fire was exchanged with those who were shooting at us; no one was shot, no one was injured.

Violence has become a way of life in areas where marijuana cultivation is heavy. An informal survey of CAMP participants by Department of Justice Special Agent Laurie Woods, who was a team leader in the CAMP Program, yielded some interesting and frightening statistics about that level of violence. In her survey, according to the U.S. Forest Service, at least 80 percent of marijuana growers are armed during early summer and nearly all carry guns at harvest time. Reports of hundreds of threats both on public and private lands are received every year by federal, state and local law enforcement authorities.

Citizens who happen upon marijuana gardens are often threatened by growers, and assaults among the growers themselves are increasing. This has placed an added enforcement burden on local authorities in the 14 major marijuana cultivation counties where sheriff's departments are traditionally understaffed and not able to handle the increase in violent crime.

In Humboldt County, according to the Sheriff's Office, this year at least a dozen threats were made to citizens by marijuana growers, apparently afraid they would be discovered

by authorities. One off-duty Humboldt Sheriff's deputy was confronted while hunting by subjects carrying automatic weapons who warned him to stay out of the area.

In Santa Cruz County, where most of the land is private, the Santa Cruz Sheriff's Office received at least 20 reports from hikers and horseback riders who had been threatened by growers. Several landowners received threats on their own property from trespassers who were using the land for cultivation, also according to the Sheriff's Department in Santa Cruz.

U.S. Forest Service and Bureau of Land Management Personnel have received threats while performing their regular duties on public lands, and some employees have expressed reluctance to enter some areas of the forest due to fear of being assaulted. To that end, I just mention roughly 25 percent of the land where seizures took place this year was public land, that is, usually in Forest Service, Bureau of Land Management, or sometimes even in national park areas.

Although most confrontations between growers are unreported, in the past three years there have been at least 12 murders in the 14 major marijuana growing counties which can be directly linked to marijuana cultivation according to the CAMP survey, and that is probably a minimal figure. Numerous rip-offs, thefts of money, plants, and equipment also have been linked to marijuana cultivation usually occurring between growers, including one incident in Mendocino County where three persons were shot while attempting to steal marijuana plants. Also,

we found during our program this year that handguns, rifles, shotguns, and automatic weapons were very prevalent. More than 80 of such were confiscated by law enforcement officials during this particular program. In addition to the guns, marijuana growers often train guards to protect their property and their gardens.

Perhaps the most dangerous items found in the gardens are booby traps ranging from electric fences to trip wires, pungi sticks and rat traps with shotgun shells attached. Over 20 such booby traps were picked up in this particular year. I know Steve Helsley has some pictures of those booby traps that have been obtained this year. One of the pictures that I have here is a picture of one of our CAMP deputies with a board, with some nails in those boards sharpened at the end, usually found underneath leaves out in the countryside over paths which intruders might arrive; the kind of thing you would expect to find in Vietnam. But there are other things that are even more serious than that, usually explosive devices that have been found in some particular area. Often problems associated with marijuana growing can be attributed to carelessness. During the past three years over a dozen fires have been started accidentally by growers, according to our survey.

And, too, there are serious environmental problems as well. Clear cutting--the removal of large areas of trees and shrubs to facilitate the cultivation of marijuana--is present in 80 percent of the marijuana gardens, on both private and

public lands. The trees are removed to allow more sunlight to reach the growing plants and to make room for large gardens, causing serious erosion problems.

Other areas of concern involve the use of chemical fertilizers, organic fertilizers, misuse of delicate resources such as lakes and streams, the use of rodenticides and items left in the environment by the growers at the end of the season. Right here is a picture of one of the typical, I guess, rat killers that is left out, or rodent killers that is left out in one of the marijuana gardens that we found. It is rather typical, I am told, of what is found out there. Of course, if used by rodents who go back into the shrubbery often times involves more than just killing the rodent but getting involved into the chemistry of the land as well. According to a report in December of 1981 by the Forest Service chemical fertilizers can leach into ground water and end up in downstream water supplies. The overbalance of nitrogen in streams can have an adverse effect on invertebrates, which may not survive in a highly oxygenated environment. To give you an idea of what we were able to find, here are some of the fertilizers that were found in one of the CAMP seizure sites, substantial amounts. Wildlife biologists from the California Department of Fish and Game have reported finding significant problems with marine life due to over-oxygenated water.

Advocates of marijuana growing claim that cultivation keeps their economy going and that money earned by growers

stays within the community. We find to the contrary. Based on our CAMP survey, a portion of the marijuana growers proceeds is spent on land, marijuana cultivation equipment, four-wheel drive vehicles and supplies such as fertilizer. But the largest percentage, according to the survey, is taken out of the marijuana growing community. In Humboldt County, according to the Sheriff's Department, it is believed that 60-70 percent of the money earned from marijuana cultivation goes out of the county. The remaining 30-40 percent is often reinvested by growers in larger plots and additional acreage, usually in cash transactions. Growers sometimes spend 3-4 times what a plot is actually worth just to obtain prime marijuana growing land and land prices have sharply risen in the past few years.

Many advocates also believe that marijuana growing is done by local residents in an effort to supplement their incomes. I have heard that story a number of times, and while that may be true in part, again based on our own survey, the majority of marijuana growers are transient and stay only for the growing season, taking more of their earnings with them as they leave.

Finally, more intelligence data is needed to determine the extent of the involvement of organized crime in marijuana cultivation. In the past few years information regarding the background and activities of marijuana growers was not routinely kept by local agencies. We hope that that will be picked up on in the future.

But what have we learned this last year? Based on our

analysis of the CAMP Program, there is one inescapable conclusion: and that is that the program must be expanded. We must start it earlier, to destroy the makeshift, but sophisticated, irrigation systems which the growers have established in remote areas, and to destroy the marijuana seedlings before they become the large, rather unwieldy plants which require far more time and effort to destroy. It's clear that we must continue beyond the growing season, as well as start early.

We have no really reliable method of determining how much of the marijuana crop has actually been destroyed here in this season. In some counties, Monterey being the one, estimates are that 95 percent of the known crop was destroyed, that frankly to me seems rather high. In others, and I think this is more the norm, estimates range somewhere between, let's say, 5 and 20 percent. And our estimate, and it's a ballpark guess, is that we probably obtained in the last year somewhere in the vicinity of 10 percent.

Quite frankly, one important contribution of CAMP, for the future, is that we may be able to provide more reliable statistics upon which to base future raids, and to base the effectiveness of our operation.

Clearly, I think this is the bottom line, local law enforcement urgently needs the assistance of state and federal authorities to deal with this problem. We must beef-up that assistance, and to do that we need more resources, and of course that means more money. This last year we spent a total

of \$1.6 million, most of that in federal funding. And I might say \$500,000 plus coming to support the overflight activities that I will talk about in just a minute. But that funded the total effort this past year which eradicated, as I said, \$130 million worth of marijuana.

The deterrent effect beyond that cannot be measured. We hear of reports that growers have destroyed their crops because they feared arrest. Somebody, as a joke, gave me a button this morning saying that I survived CAMP 1983, and so, perhaps, not everyone was deterred, and I would imagine, that certainly is the case, but they should know that we are going to be back next year.

Getting to the overflight, one aspect of the program which requires further analysis and study is the effectiveness of the high altitude photo mapping. I think at this point it can be said that these flights provided no operational information. In fact up until October 26, the date of our last flight no particular information of value was obtained. We are now awaiting the results of the final photography which was conducted on October 26, and I must tell you the jury is out on the issue as to whether or not this will become a part of our program next year. Clearly, if it has no practical utility, it will not be carried on next year.

Steve Helsley and I just returned from Washington a couple of weeks ago where we met with top federal narcotics officials to seek additional assistance to expand the CAMP Program next year. The officials with whom we met on a

variety of narcotics-related issues were uniformly pleased with the CAMP Program success. First they saw it as a national model for similar efforts in other states with similar marijuana cultivation problems, and I think that we should rest assured that we are not the only state in the union with this problem. And we are pleased, particularly pleased, with its potential for influence on foreign drug-producing countries which have been very critical of the United States efforts to control drugs within our own borders while they are subjected to United States pressures to reduce drug production in their own countries.

Based on responses I received from the White House Drug Advisor, Carlton Turner, the Assistant Secretary of State, Dominic De Carlo, congressional leaders on both sides of the political aisle, I think it's fair to say that we will have very strong federal support next year. At this point, we hope to raise the expenditure of the program three-fold to 3.6 million dollars to expand the CAMP Program, excluding, mind you, the overflight program.

On the legislative front, we will be going back to Sacramento this next year supporting legislation that was introduced this last year by Senator Statham essentially that will strengthen the laws against the placement of potentially lethal booby traps. As I've indicated, we found a good number of them. They are major hazards because laws in this area are not substantial enough for local sheriffs and prosecutors to deal with the issue.

In conclusion, I made a strong commitment in my administration to deal with narcotics abuse and drug abuse. With sheriffs like Tim Shea, from Mendocino County, who is on my Narcotics Commission, and your sheriff and Sheriff Hopper, who was with me at the press conference in Sacramento a number of months ago at the end of the CAMP Program, we are making a concerted effort to halt the importation, the production and sale of all kinds of illegal drugs and narcotics in California. The CAMP effort is basically one part of that commitment.

My Narcotics Commission, which will have a statewide strategy to recommend at the end of January, is another. And we intend to announce soon a concerted statewide effort against drug labs in California. Indeed at the press conference a few minutes ago, it was mentioned that we have a special training course coming up in Sacramento in a very short period of time aimed at increasing the statewide effort which involves local participation and state participation in going after the drug labs which have arisen in our midst and producing particularly drugs like PCP that are ripping out our inner city.

In the final analysis, we don't want to overestimate what CAMP has done this past year. We made a dent. It has been a learning experience for us. We think it's been successful as a beginner. First from the perspective of the eradication, of arrest and deterrence. But, most important of all, I think it's been a test of how serious we are in

law enforcement in basically enforcing the laws of the state, particularly about controlling commercial cultivation of marijuana both here and in other states.

As indicated earlier today, it not only has ramifications internally in our counties with the respect of level of lawlessness in our midst. But as I said too, it has international ramifications as we try to deal with our friends in South America, countries in the Middle East, countries in Southeast Asia who are major drug producers who are exporting their drugs into this country. We must deal with them in an effective way, proving we are serious here and are serious with them as they eradicate the drugs that have now have produced an over supply on the world market. Senator, thank you very much for listening. This is the third time today that you have had to listen to me today. You're a man of infinite patience, and I appreciate it.

CHAIRMAN KEENE: It gets better each time. I think your presentation is a very comprehensive one and is a report back to the citizens of the area that is most affected by the state's efforts. It's extremely valuable to have you here personally, and we'd like to hear from your associates of the program as well--anything they might wish to add at this point, Mr. Helsley and Mr. Elsberg.

MR. STEVE HELSLEY: As to the background of CAMP, just one or two points. I think it is important to keep in mind...

ATTORNEY GENERAL VAN DE KAMP: Why don't you sit at the side of the table, Steve?

CHAIRMAN KEENE: I've been told I should check out the microphones again and I'm doing that and I don't think that anything is happening, so...

MR. HELSLEY: I would just like to give some additional perspective to CAMP. It is important to realize that the burden for this type of enforcement falls on the sheriffs. Many of the sheriffs have very small staffs and they have to maintain control. They have to maintain a force in the jail. And many times, sufficient staff is not there to conduct these enforcement type of raids. What CAMP was designed to do was not to replace what the sheriffs were doing, but to support the sheriff. And to provide the manpower support so that they could maintain a patrol force and maintain the jails and still have enough staff out in the field to conduct a raid. The CAMP approach was designed to be the prototype for this year and be a three-year approach.

We also believe that if all the state and local and federal agencies who should participate did, that additional equipment would not have to be purchased and we could do CAMP at a very small cost. That turned out to be true. We didn't have to re-invent the wheel. We were able to find the vehicles. We were able to find the hardware that was required to get the job done. It was designed to be virtually a no-cost program for sheriffs.

There did turn out to be some cost because of the intense amount of enforcement work that was done. And it was designed to go into areas of the state where sheriffs had a hard time

getting to before, because helicopter support was not there. We obtained a great deal of helicopter support from the National Guard. This is the first year the Guard was involved in it. The helicopter support is critical for getting into these sites. The most important thing though was that twenty-seven state and federal law enforcement and resource agencies combined the resources that they had for this enforcement approach.

It formed a basis for next year. As you've heard described today, it's going to be a model from the national perspective. We feel that if the helicopter support can be obtained for next year, and we think it can, we will be able to raid three, four, five or six times as many sites as we were able to raid this year, and I think the total raid count for this year was 524 sites as a part of CAMP.

CHAIRMAN KEENE: Thank you, Mr. Elsberg.

MR. ROBERT ELSBERG: I would like to say that we owe a great deal at CAMP to such agencies as the California Department of Forestry, and the U.S. Forest Service and the BLM. It was these land management agencies and people that put out fires who came up with a management structure that enabled us to put an operation in almost overnight. We dealt with from a hundred and thirty to a hundred and fifty people in this operation and got together almost overnight. And if it wasn't for the use of the command system, which they use frequently on fires, we would not have been able to operate. We basically had to get helicopters to the right locations.

We had to provide feeding. We had to provide bivouac sites. We had to have places to burn. We had to have planning as to where we were going to raid, how people were going to get to locations. If it wasn't for this system, we and the law enforcement side would have had some problems. And we really thank them for that assistance.

Also, the system calls for each of the participating agencies playing a key role in the operation. This was not the Bureau of Narcotic Enforcement's program. It was a program in which we all played key roles. The sheriff is responsible in his county for the effort. We had BLM responsible for the operation of the chief. We had someone else as an information officer. We had a resistance team from the U.S. Forestry Service. And it was really a joint effort not only in going out and doing the job, but in managing the job and providing resources. CAMP was not just going out and doing raids, it was a far bigger operation. We think that this is the prototype that we can now use in future years. By just adding additional manpower, we can hit more areas and be more successful in the future years.

CHAIRMAN KEENE: Mr. Wong has a question.

MR. GENE WONG: Assuming that CAMP receives the funds it wishes to extend its program, are your plans to intensify your efforts in the counties that are now targeted or do you plan to expand the program to include other counties?

ATTORNEY GENERAL VAN DE KAMP: I think I can say that remains to be seen. We will try to go into the counties

which have reported highest concentration of marijuana growth and whether the same 14 counties will be the ones targeted next year or not I think remains to be seen. We may expand it beyond 14 counties too. So we're remaining flexible on that. I think it's fair to say, however, that some of the North Coast counties, Humboldt, Mendocino, Del Norte, are certainly counties that will receive attention next year.

CHAIRMAN KEENE: When you talk about the goal of running the cultivators out of business, I guess you're talking about hitting them in the pocketbook, reducing the profits, with the backup threat of arrest and prosecution. At what point does the prospect of that detriment to the growers outweigh the profits of continuing to cultivate the crop? I know that that's an openended question. But, in your judgment, as far as the future is concerned, how much of the potential crop do you really have to create a jeopardy to before you actually drive people out of business?

ATTORNEY GENERAL VAN DE KAMP: I think it depends from individual to individual where some people would be concerned about facing the criminal justice system and some people have more concerns about that than others, frankly. There are some people who are going into it in a big way for whom the loss of their basic equipment and the seizures that are obtained during the course of these raids, would be a very substantial economical detriment. And fortunately, the Legislature in the last year, in a bill signed by the Governor, has improved our ability to seize implements that are used in production

and in trafficking in a way that was not available before. On top of that, we have increased threats of prosecution. The federal government, I think, is turning more toward that. The U.S. Attorney in Sacramento, particularly made a point to see me in Washington recently, to tell me that he wanted to get into major marijuana harvesting cases in a big way. So I cannot say with certainty what it is going to take because I think it will differ in each situation. Someone who is doing it as a minor add-on to their livelihood, probably is more sensitive to the law and probably would not take the risk that those engaged in major cultivation will. And those engaged in major cultivation frankly are apt to lose their shirt as a result of our eradication and seizures that will basically wipe out their crop for a year, maybe two years running if we go in for the second year in a row.

CHAIRMAN KEENE: There is new legislation that permits civil actions by district attorneys against those who knowingly permit cultivation on their land. Now there appears to be some evidence that there are landowners who are leasing their land at levels that are far out of context in terms of the value of that real estate in a lease arrangement. Has your office made any efforts to promote use of this new legislation or inform local law enforcement officials of this new legislation or do you plan to?

MR. HELSLEY: Yes, there is a manual that we are developing now that will be passed out to the law enforcement agencies in the state. As we did for the vehicle forfeiture bill last

year when we put on training schools, we have a program that is being developed now that will start up after the first of the year that will train local police and DAs both in the Maddy bill, SB 532, and the bill that you were referring to.

CHAIRMAN KEENE: Okay I think that effort could prove valuable in the long run in easing prosecutions in civil actions really against these individuals.

From the other end of it, let me give you a hypothetical. Let's assume that some resident of the Garberville area is concerned about the implementation of the program, early morning overflights, something like that. Not totally hypothetical, incidentally. How do you plan to handle complaints? Is there any existing mechanism or would you propose that there be some mechanism for handling complaints from individuals. I'm not talking about complaints from cultivators so much as I am complaints from citizens who might be affected by the program. Nor do I need to suggest that there have been a whole host of these, because there haven't been.

ATTORNEY GENERAL VAN DE KAMP: I think we are very sensitive to those issues, because clearly we want to make sure this program meets the...fall in the general bounds of propriety and receives public acceptance. And so we've tried to be careful this first year and will try to be increasingly careful next year. For those people who have individual complaints, I hope they bring them to our attention. As I explained to you at breakfast, we had a wonderful and easily

remembered number. This last year, I found out about it, only about the morning they announced the program. It had the acronym CAMP. Unfortunately, they used the prefix 739, and, if you check your telephone, that spells sex camp. So if they want to complain, that number I think is still there. But seriously, I would welcome complaints like that to check to seek whether or not there has been any abuses, to try to dispell, I think, some of the fears and concerns that are expressed. Sometimes they are the result of rumor and bad information. A lot of the allegations that have been received, especially early on, I think were dispelled in the hearings in San Francisco. And rumors tended to feed on themselves, and I must say that the press was along on many of the seizure missions. I had a chance to watch our people in operation, and frankly I heard very few complaints from anybody in the press world about any kind of abuses in which our officers were engaged.

MR. ELSBERG: That CAMP number, by the way, was a 24 hour number. And there would be somebody there available within immediate contact at any time doing the program to respond to any complaints.

ATTORNEY GENERAL VAN DE KAMP: Is that 916?

MR. ELSBERG: 916

ATTORNEY GENERAL VAN DE KAMP: 739

MR. ELSBERG: 739

ATTORNEY GENERAL VAN DE KAMP: And

MR. ELSBERG: CAMP

CHAIRMAN KEENE: Okay, it is set up and will continue to be set up to receive complaints when the program resumes...

MR. ELSBERG: That's correct, that's correct. And we, as I indicated earlier, had an air operations chief during the operational phase of it. And, if it concerns air operations, helicopters, airplanes, whatever, that would go directly to him. And he would deal directly with the agency that provided the aircraft.

CHAIRMAN KEENE: I think it's important to the issue of public support and acceptance of your program, that legitimate complaints be processed and sent back.

ATTORNEY GENERAL VAN DE KAMP: I might just add too, that it speaks to the deterrent part of CAMP that we receive the credit for perhaps more aircraft than we had in the air. At various times, it was described that we darkened the skies with helis, which is quite a feat considering we have four of them in state.

CHAIRMAN KEENE: Okay. Thank you very much for your testimony this morning and I...to this point, subject to later critiques, of the program by local officials and local people, I just want to say that I think that you are making the best effort that will hopefully prove effective in the long run, has begun to be effective, and I think you're to be commended on running a clean and effective program. And I certainly want to offer that at this point.

ATTORNEY GENERAL VAN DE KAMP: Thank you.

CHAIRMAN KEENE: Thank you for taking the time to be

with us.

ATTORNEY GENERAL VAN DE KAMP I have a prepared statement as well that I would like to submit.

CHAIRMAN KEENE: Thank you, we will include that in the record.

Jerry Partain, Director, State Department of Forestry.

MR. JERRY PARTAIN: Thank you, Senator, and I appreciate the opportunity to get on fairly early in the process here. My testimony will be brief, since our participation in the program this year was reasonably limited. Let me point out that the California Department of Forestry has mixed feelings because we get caught in the middle. Our people must work with the local people in enforcing the Forest Practices Act and providing fire protection for state responsibility area lands. And so when it comes to a major law enforcement campaign, our people have some trepidation about their participation. However, this year we changed the policy of CDF so that we could participate in the CAMP Program. And that has not always been the policy of CDF in the past. So I want to personally thank our people who participated this year and did such an excellent job.

As pointed out by Bob Elsberg, our people provided a great deal of training. The incident command system that was used, was developed in Southern California as a joint effort between the Forest Service, BLM and CDF, and has worked very well throughout the state and fire protection activities. We provided a staff on the committee that worked

cooperatively to develop the entire program. We provided some equipment and we provided helicopter fuel for the helicopters. But none of our people were actively involved in the raid themselves. And this was by choice by the Department.

We recognize the problem as identified here, because our people need access to private land in the state of California to conduct both of their activities of protection and enforcement of the Forest Practice Act. And we have been hindered in the past. And when we were given the opportunity to join a major campaign against illegal marijuana growing, we participated.

This year also I might point out, that we took . . . there were ten marijuana patches on Jackson State Forest, which is owned by the state, of course, and managed by the Department of Forestry. We took several hundred plants off of Jackson State Forest that were separate from the CAMP program itself. In addition, our people get involved in such things as going to a small structural fire near Susanville with three engines and discovering shortly upon arrival that it's more than a small structural fire, it is an illegal laboratory. It resulted in 721 pounds of cocaine confiscated on the site.

So, they get a little nervous and anxious, at times, when they're out in the field trying to do their jobs and run into the law enforcement problems that they may or may not be trained to do. So we are fully supportive of the CAMP Program. We're supportive of your efforts to tighten the laws that affect our people in field, and we would continue to support the program next year in any way that we can that will provide the protection for our personnel in the field. And I've already given the At-

torney General the button that I was handed this morning at Don's Donut Bar in Arcata. It was a constituent of Senator Keene and Assemblyman Hauser that gave it to me.

And I would be glad to answer any questions you have, Senator Keene. But that's the end of my testimony.

CHAIRMAN KEENE: Thank you. Are there any questions of the Director of Forestry?

MR. PARTAIN: Thank you.

CHAIRMAN KEENE: I have one question. Earlier it was mentioned that the Attorney General and his people are reviewing the effectiveness of a portion of the photographic over-flight program that is quite costly. It is my understanding that the Department of Forestry has been engaged in an assessment of volume of timber and species and other resources that are in California, natural resources, and that you contracted maybe with one of the remote sensing satellites. Is that valuable at all in locating areas of cultivation?

MR. PARTAIN: Yes, Senator, you are referring to a bill that was passed a few years ago called the Keene bill on forest reassessment reassessment.

CHAIRMAN KEENE: I'm parading all my bills.

MR. PARTAIN: All right. [Laughs.] Yes we do, we do operate an assessment program that attempts to look at the resources, and we do use aerial photography, as the Attorney General and his staff have pointed out, with some limited success this year. I'm not sure, I haven't talked to our people as to what extent they were involved in the actual assessment. We had a professor over at Humboldt State that did a great deal of work on that kind

of assessment, identifying plant species with relatively small scale photos; I don't know what the extent of the problem is, but we certainly will be taking a look at it, and if our people can assist in that way, they certainly will.

CHAIRMAN KEENE: Okay. I'd like to specifically ask Mr. Elsberg and Mr. Helsley to be in touch with the Forestry Director, to see if there is any possibility of coordinating your over-flight photographic efforts with the efforts of the Department of Forestry under legislation to identify the volume and specie type of various forest resources, because certainly one of those species grown on the North coast is cannibis, and if they're doing that sort of job and it could help you do your job, I think it would be mutually beneficial and might save the state some money in the process.

Could you check into it maybe from both ends and let us know what the result is?

MR. PARTAIN: We might want to get into that assessing a lot more, because some of the plants that they took this year were not only saw-log size, they were almost peeler size, too, Senator, so

CHAIRMAN KEENE: Maybe we could run them through the mills as timber.

MR. PARTAIN: Thank you.

CHAIRMAN KEENE: Thank you very much for being with us.

Judge John Buffington, Presiding Judge, Humboldt County Superior Court.

JUDGE JOHN BUFFINGTON: Senator Keene, ladies and gentlemen,

I want to stress the fact that the comments I am about to make are my personal views and that

CHAIRMAN KEENE: They're having trouble hearing you I know it's a little difficult, but there is virtually no amplification.

JUDGE BUFFINGTON: I'll try to speak up.

I want to stress the point that the comments that I am about to make are my personal views. And they should not be attributed to other individuals within the justice system. Some of my comments about the CAMP program will be critical. I do not mean to criticize people or their intents in the program. I do intend to offer what I hope is constructive criticism in regard to the apparent failure to consider that fact that CAMP impinges upon all elements of the judicial system locally.

I think everyone would agree that the cultivation of marijuana in this county is a fact. And the fact of cultivation, national media publicity and continued puffing and plotting by various individuals have combined to make this county notorious. Notoriety has apparently added to the influx of certain lawless and violent elements, who either cultivate with violent protective measures or who come here to steal the crop of some other person.

The response from the government to this combined problem of cultivation and violence has been CAMP. CAMP strikes me as a sort of forest harvest of a small number of marijuana cultivation plots in this county and the state. Associated with the pulling of that marijuana there have been some thirty-five or more arrests in this county this year. Nothing is wrong with the seizure or the arrest in a general way; but specifically there is very much

wrong with what will now occur in Humboldt County. Thanks to the aid of federal money and state money which is provided for stepped-up enforcement. The local criminal justice system, from street level officers to probation officers, has been shorthanded, underfunded and overworked for several years. It is on that weak framework and other similar frameworks in other rural counties that CAMP intends to succeed. In fact, CAMP, according to some officials, has been a qualified success. I believe that success is only to be found in the number of pounds or plants seized. The efficient use of the criminal justice system has been lessened to a large degree by CAMP, as I hope to explain.

When the state funds the seizure of marijuana and arrests people who grow or deal in marijuana, it has, in my opinion, a duty to extend funding to prosecution and the entire judicial system. The eradication of marijuana has been determined by the federal government and the state government and the local government to be the people's business. The efficient conduct of the judicial system is no less the people's business in the eradication of marijuana. You cannot have one without the other.

The Legislature, the Attorney General's office, some local prosecutors and media have seen fit to contribute to the making of a national issue in regard to marijuana cultivation in this county and this state. There may be, certainly, basis for some of the issues which have been raised. A number of people in this county and this state need to be told that there are at least a few problems with the elevated enforcement of the law.

If your intent as a government is to eradicate marijuana with the use of state and federal money, then you have a duty to find

out what you do to the entire system. You can't just simply count the number of plants or the number of pounds and say we have been successful because those numbers eventually translate into people. And as I stated, locally, law enforcement is poorly funded. Having CAMP here for weeks or months at a time, stretches normal working hours for police officers, stretches their endurance, causes response times to other perhaps equally important crimes to be longer. In short, many more policemen are needed to do what is needed to be done in the field.

Once the seizures have been made in the field, there always are a certain number of arrests. This year we were told that the intent of the program was to seize as much marijuana as possible and that charges would only be pressed against major marijuana cultivators. Yet we have 35 new cases pending, as I understand it, before the courts of this county. Whether those felonies or misdemeanors is really not relevant because they all eat away at prosecutorial resources; they all eat away at defense resources, they all eat away at court resources, at probation resources and at jail and prison resources. Once those cases are put into the system here locally, you are speaking of at least one additional prosecutor and perhaps two public defenders to be adequately prepared to bring those cases to court. It doesn't end there. You're talking about more judicial time being needed at both the municipal and superior court level. I don't know how many judge hours would be needed to provide for those 35 cases. An additional probation officer or two, several correctional officers and more space in jail and perhaps in prison will be needed. My question is, do we have the money from the state and federal government for

those solutions or do we come here to simply to add a little bit more smoke to what is already a quite hazy situation?

We've also locally asked to have certain laws revised, so as to do away with cultivation for personal use. Why? To save time. Wherein the alternative we ask to set a certain limit on the number of plants which can legally be cultivated for personal use. The D.A. should also have the right to file cultivation cases on a felony or misdemeanor basis. I don't know what's happened to those proposed laws, they may still be in the works.

I suppose the problem with this sort of a scenario, a hearing, is that you as legislators and fact-finders really cannot spend the time and emotion to suppress in one of these cases so that you can begin to understand the complex, factual and legal issues which are involved.

We can begin with the legality of a fly over itself or the validity and/or admissibility of area photos and area observations of marijuana; the matching of the aerial observation to a certain place on earth, which is owned by a certain individual named 'X'; the description of that location and how to reach it from the county seat to X's property; making sure that the warrant that's eventually issued is actually served on X's property and not Y's, which is located some 100 to 200 feet or yards away.

Those are some of the issues that stretch normal hour hearings into two to three days hearings. The reasons for such problems is the plain fact that the government in these cases has stretched the law of search and seizure to its limit. To put it shortly, we in the justice system can use every aid in the way of procedural devices or laws which shorten court hearings without

limiting a defendant's due process. Some substantive changes in the laws might also do away with some of the processing motions. And I would suggest that the state or federal government should also consider funding all associated costs throughout the system if it finds that the level of apprehension it desires is for the public benefit. Otherwise, such levels of increased enforcement are at best a wash or may actually cause detriment to the system overall.

I would be happy to answer any questions that I can answer.

CHAIRMAN KEENE: Well, maybe we ought to put some of your questions to, perhaps, the Attorney General's office at this stage. Would you like to come forward? I guess one of the questions is as to financing of the criminal justice process once your effort to hit the cultivators in the pocketbook is completed. There is a spill-over impact that the judge testified to as to the rest of the criminal justice system, the prosecutors, the judiciary, the law enforcement officials. Is there any attempt to provide, now that you have identified the most heavily impacted areas or at least are beginning to, is there any attempt to provide additional funding, perhaps in the State budget next year for those areas that are heavily impacted, whose law enforcement processes are heavily impacted?

MR. HELSLEY: Yes, as part of a critique that we did as soon as the CAMP program was done, things such as you've heard described here, were brought up during the critique. Yes, we don't know where we will get the funds from, but we are pursuing it. We know that there are burdens placed on sheriffs departments, in terms of preparing those search warrants in the first place, the

overtime involved with going to court once the case goes to court, the D.A. time involved. We know that those are factors that we have to address. At this point, we're not quite sure how we're going to do it, but we are pursuing it.

CHAIRMAN KEENE: Are there discussions with the Governor's office about perhaps including in his upcoming budget some resources for impacted areas? He is a person who has been supportive of law enforcement efforts and these efforts in particular in the drug abuse area. Perhaps we can get additional funds for areas that are, that can be demonstrated to be adversely impacted by the effort.

MR. HELSLEY: This staff was involved in the planning and the execution of CAMP for this year. And a final report is due on CAMP, I believe, in two weeks. And we have set right after the first of the year as the time to decide what our approach for next year is going to be. At that time when the final report is done and we know what the overall approach of the State will be, then that would be the time we would pursue it.

MR. ELSBERG: I'd also like to comment. I think your Senate Bill, Senate Bill 1121, is kind of a trendsetter -- to let the crook, the grower, pay for the cost of law enforcement. You started this program where we go after the grower and have him reimburse us for eradication. Perhaps we ought to go to the grower and have him reimburse us for prosecution and for other costs involved in the process.

JUDGE BUFFINGTON: You may find certain problems with that theory legally. But getting beyond that, how do you enforce those kinds of court orders? Then you have somebody out there trying

to be collector. You just put another person on the payroll. It looks good on paper, but in reality, probably if he's caught with his crop in the ground, he's finished. And he is poor as a church-mouse, unless he had last year's crop, which nobody is probably going to find, away some place in the bank.

CHAIRMAN KEENE: At some point, we're putting the county into the business.

JUDGE BUFFINGTON: Yes.

MR. HELSLEY: Well, I think that the point is, at least as I see it, is that once we decide, once we have the public will to solve the problem, we'll figure out a way to do it. And I think we have taken some important first steps in doing that.

CHAIRMAN KEENE: I think it's important to identify these problems because then we can focus on them in the Legislature and perhaps your office could focus on them with discussions with the Governor, who will be presenting his budget in another 45 days, I guess.

JUDGE BUFFINGTON: I don't mean to be critical of the CAMP program in itself. I think it has perhaps suffered from the fact that in its inception, it was thought of being the sort of eradication program where things were pulled up and that was the end of it. There wasn't going to be a big impact on the system. All I can say is, I see 35 cases in a small county like this. That's a sizable number, even if only half of them reach the superior court. That's the sort of impact we have to be concerned about.

MR. HELSLEY: I would assume, though, that a number of those were not from CAMP.

JUDGE BUFFINGTON: I don't...that could be, I don't know.

The DA will have better facts and figures on that than I.

MR. ELSBERG: Another aspect of it is from the prosecution's standpoint, the Attorney General has offered the services of his deputy attorney generals to do the prosecution of these growers' cases.

JUDGE BUFFINGTON: That's nice except that when you got judges involved in homicides, you don't get the marijuana cases to trial right away. And so, all those problems are inter-related. Somebody has to take a systematic look at it. It just can't be people go out and rip up and then we'll worry about what happens. It has to be planned.

MR. ELSBERG: Well, I think that's one of the important parts of CAMP that's been described here is that in the past years, each sheriff was going about it in his own way. The state had their own plan and the federal government had theirs. There wasn't a statewide plan. CAMP is the first step toward the development of a state plan and then a state solution.

CHAIRMAN KEENE: Problem number one has just surfaced, and I think your testimony has been very valuable in that respect. The judiciary has an overload resulting from the spill-over of cases.

JUDGE BUFFINGTON: Thank you very much.

CHAIRMAN KEENE: Thank you. Terry Farmer, the District Attorney of Humboldt County. Before you start...

MR. FARMER: Sure.

CHAIRMAN KEENE: . . . let me just announce that a key to a Ramada Inn room was left in the ladies' restroom, and you can pick it up at the reception desk of City Hall here -- if you need it, it's yours.

MR. FARMER: Thank you, Senator Keene, and members of the Committee, wherever you might be.

As indicated, I'm the District Attorney of Humboldt County and to my office falls the responsibility of prosecuting these cases that are generated by the system.

Generally, the cry of "No. 1" is issued with a certain degree of civic pride. However, the assessment of CAMP officials that Humboldt County ranks number one statewide in marijuana cultivation is received locally with some dismay. Unfortunately, however, not with surprise.

CHAIRMAN KEENE: Terry, they're having some problems in the back hearing you. I don't know.

MR. FARMER: Loud-mouth lawyer. I never -- first complaint I ever heard that nobody could hear me.

The CAMP results confirm the perception of local law enforcement -- we are faced with a problem of statewide and even nationwide significance. What I think these hearings will verify is that the county alone cannot hope to muster the resources to combat it.

For Humboldt County, and similarly situated rural areas of California, commercial marijuana cultivation has brought a new class of outlaw -- one who demonstrates little respect for public or private property rights; one who often times trespasses on remote forest ranch lands, then uses booby traps, dogs and automatic weapons to protect his illicit crop. The annual harvest season also brings outlaws, similarly armed, to steal the green gold. It brings transients to our county to work as guards and manicurists to protect and process the cannabis. And finally, the harvest brings the sophisticated urban wholesalers, who come armed with weapons, cash and hard drugs to exchange for the crop.

Understand that I am not talking about "Ma and Pa" operations, where persons grow on a limited scale for local consumption. This type of offender is, and should be, controllable by local resources.

I am concerned with operations involving hundreds and thousands of plants. A cursory review of seizures made during the CAMP project reveals more than one plantation of sufficient size to place conservative estimates of the wholesale crop value in excess of \$1 million. We are faced with a situation where the largest operators can net more than one million tax-free dollars in one growing season. Illicit profits of this magnitude generate violence. And several recent homicides have been attributed to this activity.

Given this situation, the response of Attorney General Van de Kamp and the CAMP Program is most welcome. In many respects, I believe it must be judged as a success.

Although we are still a long way from eliminating commercial cultivation in this county, this year's program, check if you will, took a substantially bigger bite, both quantitatively and qualitatively, out of the marijuana industry than had ever been taken before. Based upon this performance, a continuing commitment in succeeding years can realistically be expected to eliminate this area as a center for commercial cultivation.

There are three specific areas in which I feel the Attorney General's efforts have been a noteworthy success. First if the recognition that this problem is statewide in its scope and, therefore, requires statewide effort for solution. Simply stated, this county does not have the manpower and equipment resources necessary to mount the type of effort which we saw this year. State assistance will continue to be needed.

Second was the decision, made early in the planning stages, that the prime goal of the program would be crop confiscation. Given the limited resources of the criminal justice system, which Judge Buffington alluded to, it should be recognized that the most harm which the cultivator faces occurs at the time his valuable crop is seized and destroyed. While prosecution, conviction and punishment should also be used as a deterrent to illegal activity, the first and foremost goal should be to destroy the crop and prevent it from reaching market. This year, more marijuana was seized than ever before.

Third is the tremendous cooperation local law enforcement officials receive from CAMP personnel in conducting these operations. Local law enforcement officers gathered the intelligence, selected the targets and supervised the raiding parties. It was a welcome recognition of the basic concept that law enforcement is and should be a locally controlled function, and that the role of the state is to assist and support local efforts, not to take them over.

I'm sure that the Attorney General's prior experience as a district attorney contributed to his adherence to this philosophy, and this and in other areas, John Van de Kamp has been a good friend to local governments and to local law enforcement. I commend and thank him for it.

While I think we can take pride in the CAMP operations as they have been conducted, from the broader standpoint of the criminal justice system as a whole, significant problems remain. Like any system, one part cannot be affected without affecting the whole system. Although the prime goal of the program has been crop confiscation, a by-product is an increased number of arrests and filings for marijuana cultivation.

If we are to continue to regard this activity as criminal, increased resources must be devoted to those other elements of the system that hold persons accountable and punish them for such conduct.

As District Attorney, my prime concern is whether or not I have the resources available to prosecute persons arrested directly and as a result of CAMP efforts. The answer is, I do not.

At last count, 36 felony cases have been filed as a direct result of CAMP operations. More cases remain in the investigative stage, subject to filing following necessary review of available resources. In the main, these cases represent significant commercial operations which given adequate resources, should be prosecuted as felony offenses.

Given statewide averages, such a caseload alone would justify the addition of one additional full-time attorney whose sole responsibility would be to handle such cases. Humboldt County cannot handle the expense of that increase. In fact, it has not been able to staff my office to statewide standards. While 1982 statewide statistics show an average of 40.5 felony filings per deputy district attorney, Humboldt County's average for that year was 51.13 felonies per deputy. We do not suffer from a lack of work. While marijuana cultivation is a matter of importance, I still have homicides, rapes, robberies and child abuse cases to prosecute which will always occupy a higher priority when scarce resources need to be allocated.

CHAIRMAN KEENE: Let me just interrupt briefly at this point. There's another developing law enforcement problem and that is that those of you who are parked in the grocery store parking lot, please move your car as there are complaints and threats of vigilante action if you don't move your cars. The presentation is not serious, but the problem is a serious one. So, please do move your cars as soon as you

get a chance to, out of the grocery store parking lot. Thank you very much.

MR. FARMER: Vigilante action is not what we need. The plain fact is that unless my office gets assistance, most of these cases are going to be compromised short of maximum felony conviction, solely because I lack sufficient resources to do the job. I can justify negotiating a case when the provable evidence is not sufficient to support a conviction, or when justice demands and supports such a result. I cannot condone case reduction of a clearly commercial profit-making operation supported by armed thugs for no better reason than lack of resources. Unfortunately, without assistance, I face that very real prospect.

The Attorney General has generously offered the use of his staff to assist in the prosecution of these cases and yet I know that the San Francisco office is also overworked and really can't afford to devote the kind of attention this matter requires. In addition, prosecuting Humboldt cases from San Francisco is just not very cost-effective.

More importantly, however, and in keeping with the precedent established thus far in the CAMP operation, is the need to adhere to the principle that law enforcement and prosecution are local functions.

Therefore, I propose and urge that you seek immediate legislation to fund assistance to local prosecutors to deal with commercial marijuana cultivation and other connected drug-related activities.

The Career Criminal Prosecution Program is an example of utilizing state funding to local prosecutors to deal with the statewide problem -- career criminals. Because I suspect that the Legislature perceived it to be a problem unique to large counties, which I think is a questionable proposition, funds under that program were allocated to the state's 13 largest counties to the exclusion of rural areas.

Commercial marijuana cultivation is a problem of statewide dimension, unique, however, to remote rural counties. The state has contributed enormous funds -- I guess \$1.6 million -- to the eradication effort. It should also contribute substantially to the funding of the prosecution effort.

The problem is principally as indicated -- a lack of resources above the apprehension level. In the main, I feel that the current laws are adequate to impose criminal sanctions for cultivation-related activity. I look forward to hopefully utilizing Senator Keene's recent bill on confiscation cost reimbursement and laws relating to personal property confiscation to assess their effectiveness as tools in the battle. The ability to utilize these laws, however, again depends upon available resources.

Two legal areas, however, merit attention. Marijuana cultivation is defined as a straight felony under Health and Safety Code Section 11358. The next serious legally related charge is Health and Safety Code Section 11357(c), possession of more than one ounce of marijuana, which has a maximum punishment of a fine not to exceed \$500 and/or incarceration in the county jail for a period not to exceed six months.

Marijuana cultivation ranges from one house plant, to ten garden plants, to a one-thousand plant plantation, and yet all are treated equally by statute.

I would recommend that Health and Safety Code Section 11358 be amended so as to make it a "wobbler" with the alternative punishment of confinement in the county jail for not more than one year and/or a fine not to exceed \$1,000. This amendment would give prosecutors and judges greater discretion when dealing with various levels of cultivators

The diversion statute, Penal Code Section 1000, provides that if otherwise eligible, a person charged with cultivation of marijuana can have this case dismissed without further penalty following a successful period of crime-free conduct and completion of a program of education, treatment for rehabilitation. Penal Code Section 1000 only applies in the marijuana cultivation situation, however, when the cultivation is deemed to be for "personal use."

The determination of how much marijuana is "for personal use" is assigned by appellate decision to be a judicial function. And, I would refer you to the case of People v. Williamson. It's a 1982 case found at 137 Cal App. 3rd 419, and I'll provide you with a copy of these comments which include that cite. A great deal of time-consuming hearings have been spent in local courts addressing the issue of whether or not the marijuana cultivated in any individual case was "for personal use." Such a contention has even been made in a three-defendant case involving in excess of two hundred plants.

In light of these problems, I would suggest that this matter be resolved by either eliminating Health and Safety Code Section 11358, or the cultivation statute, from the diversion statute, or, in the alternative, limiting diversion to cultivation of no more than a finite quantity of plants.

Both of the above suggestions have been approved by the Legislative Committee of the California District Attorney's Association, and I am confident that they will be adopted by that body as a whole. Hopefully, the Legislature will follow through and enact these measures.

Commercial marijuana cultivation causes a serious disruption of the rights of law-abiding citizens, to utilize public and private prop-

erty, and creates a community of lawlessness and violence which breeds more serious criminal activity. It is a problem of statewide significance which cannot be met solely by the limited resources of local government, particularly those of small rural counties.

We stand ready and committed to do the job, but we need help in the form of enforcement assistance, prosecution assistance, court assistance, which has, in some respects, been provided by the CAMP Program, but in some respects, needs to be additionally provided if we are to have any appreciable effect on this industry.

Thank you very much. I'll attempt to respond to any questions that you may have.

CHAIRMAN KEENE: Thank you. Assemblyman Hauser.

ASSEMBLYMAN HAUSER: Pardon me, just a quick question. Is there any way that your department alone could develop some supportable cost estimates for the additional cost to you for the prosecution of these cases or any other aspects of the CAMP Program?

MR. FARMER: Well, certainly in some respects we can. In other respects, we're too busy prosecuting cases to develop the indepth studies that would be necessary. But, as Judge Buffington indicated, as I've indicated, 36 filings, while not sounding real significant in an area like Los Angeles or San Francisco or Sacramento, represents a significant increase in our caseload. The qualitative effort, if you will, in prosecuting these cases is greater. It requires more man hours than it would be to prosecute a burglary case or another crime which does not involve the sophisticated search issues, the applicability of the diversion statute issues, making the connection between a growing crop and an individual defendant. All of those areas make prosecution of pot cultivation cases labor intensive. And, I think, you know, if --

like I say, certainly I don't feel that I would have any problem at all in justifying that that quantity of caseload would aptly support an additional attorney in my office. And that doesn't begin to address the impacts on the court system as a whole and the probation departments who also have to deal with these cases as they're funnelled through the system.

ASSEMBLYMAN HAUSER: Well, I think we'd have to ask the same question of each department, each division, but I was just curious of the possibilities developing that information, say, for the Humboldt County D.A.'s office alone.

MR. FARMER: As I say, I think we can massage the figures that we've given you to give you a clearer picture and to support the need for such an increase. As it's been indicated, it's a statewide problem. Local problems can and should be dealt with locally. But when you expand the scope of this to the significance that it has been expanded, we're going to need state assistance, and I think that that state assistance as has been presented in the enforcement efforts should be funnelled through local offices and not handled on a statewide basis. We're the ones that are accountable to our local electorate, we are the ones. As indicated, criminal law enforcement, prosecution, is properly perceived and I think should be as a local function.

CHAIRMAN KEENE: Mr. Wong.

MR. WONG: Mr. Farmer, you mentioned that you have 36 filings due to the CAMP efforts. For comparison sake, how many filings did you have for marijuana cultivation in 1981 and 1982?

MR. FARMER: Well, I can only speak from what was left over at the time that I came into office, and I had, oh, maybe about 18 remaining -- that were carrying over from two and three years ago that had

not been prosecuted due to lack of resources. In addition to a quantitative difference, however, there's a real qualitative difference that we've seen this year in the cases developed through the CAMP Program. Many of the cases that we had before were, as I described, the "Ma and Pa" operations, which we have been able to deal with and resolve on a local level. It was, frankly, kind of amazing to me, to look at the cases that came in, to see that we're not talking about local back-to-the-land folks that grow their own crop, provide for their own needs, maybe some of that to their friends. We're talking in the large -- in the main about cases that are sophisticated commercial operations. It's real hard for me to justify reducing a case where we have a hundred, two hundred, three hundred plants and somehow saying that this is a small local operation. In addition to an increased number, we've got an increased quality of case that we're dealing with now.

MR. WONG: You've mentioned that you've had to make compromises, or you fear having to make compromises, because of the increased workload and the lack of resources. What type of compromises have you made or must you make in the future because of this problem? Have these felony cases been dismissed, have they been deemed cultivation for personal use, and the offender diverted? What can you tell us?

MR. FARMER: All of the above. One of the reasons that I suggested the amendment to the cultivation statute as one of the options that we utilized last year when dealing with cases that were larger than we felt could be intellectually justified as being eligible for diversion and yet were smaller than some of the truly huge operations, was to give what I call the two misdemeanor alternatives. You plead to two counts of 11357(c), possession of more than an ounce, those cases then were referred out to justice court and local judges would

take one count, because you had limits of \$500 fine, six months in jail, they would impose jail terms and fines on one of the counts and put the defendant on probation for the other count as a deterrent to future conduct. That worked out well for those of us within the system, but to somehow explain to your constituents that somebody with a 40, 50, 75 plant garden really was -- plead guilty to possession of over an ounce, flew in the face of reality and they really had a hard time understanding and accepting that logic. I sure agree with them.

MR. WONG: What kind of guidelines would you suggest for distinguishing between personal and commercial cultivation?

MR. FARMER: I think in order to make it manageable from a judicial perspective, the only way you can do it is come up with a finite number, and I guess I'm less concerned with where you set the finite number than that you set it. Anytime you do that, you're going to have people say -- well, say you set it as five plants. Some are going to say, well, my plants are big and wonderful and I can garner five, ten pounds out of that. Somebody else would say, my plants are scraggly and not good and I barely get enough to smoke myself out of that amount.

The Williamson case and the statute really did not address what those factors were. They kind of left that up to the courts to make a determination on a case-by-case basis. While theoretically that sounds nice, we can look at each individual defendant, we can look at the circumstances of his operation, we can look at the amount cultivated, we can look at how many people in his family and how many friends are living with him and we can make this case-by-case determination of whether it was cultivation for personal use, the amount of which would vary depending upon these factors. As a matter of judicial economy, it's a disaster. So the setting of a finite number makes things real

easy for performing that judicial function.

CHAIRMAN KEENE: I guess that part of the political problem is it's a little bit like belling the cat, that if you say that five plants is the figure at which -- above which it may not be regarded as for personal use, you will be criticized by some political opponent for allowing five plants -- up to five plants. Now, it would be helpful, and I thought I heard you say it has been submitted to the District Attorney's Association, that there be some finite number at which -- above which diversion cannot take place. I think it would be helpful to have the District Attorney's Association come forth with that number and say, we believe that anything above that amount should not be considered personal cultivation and diversion should not be permitted. Do you think that's likely to happen?

MR. FARMER: Well, I think it's a good suggestion, and I think at the meeting of the Legislative Committee at our annual meeting in January, I will address exactly that issue. We do have a consortium, if you will, of Cal County Pot Growing D.A.'s which get together at these meetings and talk about our respective problems and that is something that we will address and forward that recommendation to the Legislature.

CHAIRMAN KEENE: Okay, it would be helpful. It's called "transference of political heat" in the process. We'd rather have you make that decision than have to make it ourselves.

The other question in the same connection is, has the question of treating cultivation as a wobbler been submitted to the District Attorney's Association?

MR. FARMER: I'm sorry, that was part of the -- that recommendation

also, was submitted to Legislative Committee and did receive virtually unanimous approval.

CHAIRMAN KEENE: So that is one of the planks of the D.A.'s Association at this point, on the legislative agenda.

MR. FARMER: Yes.

CHAIRMAN KEENE: I appreciate very much your very professional testimony today, and I think other problems have surfaced that we need to be aware of and to be able to address.

I might add that all of the testimony is being preserved in a transcript that will be available, probably in a couple of weeks. If you'd like a copy of the transcript, we need to have your name and address, and if you'd like to leave that, we'll be happy to supply it to you when it's available.

MR. FARMER: I will provide you with a written copy of my remarks, and I would like to thank you for holding these hearings up here, to get down to the level where it's happening and where we're dealing with the problems to address these issues. Thank you.

CHAIRMAN KEENE: Thank you very much. I appreciate it. Well, we've heard from the Humboldt County judiciary perspective, although, as Judge Buffington made it clear, it was his personal view, but perhaps reflected the views of other members of the judiciary. We've heard from the local prosecutor. Let's hear from the local police in the form of the Humboldt County Sheriff and then followed by the police chief.

At this point, David Renner, the Sheriff of Humboldt County.

SHERIFF DAVID RENNER: Senator Keene, Assemblyman Hauser, I am here representing both myself, my department and also the Board of Supervisors of the County of Humboldt today.

CHAIRMAN KEENE: You have to amplify again as much as possible. I know you were standing at the back of the room

SHERIFF RENNER: I couldn't hear it from back there. Is that satisfactory?

I think it's important when we talk about impact on law enforcement that marijuana cultivation has on this county, I think it's important to possibly review briefly the historical perspective of this problem in this county.

In the late 1960's and early 1970's, we saw the beginning of marijuana cultivation in this county. At that time, it was virtually a non-problem for local law enforcement. When a marijuana cultivator would be brought to our attention, whether it be by an over-flight, or by a citizen complaint, they were handled in a very informal way.

In some cases, we did obtain search warrants, and in other cases, when they were in plain view, we simply went to the site and eradicated.

Throughout that time period, the people that we were dealing with were very easy and receptive to our contact. In fact, when we approached them with search warrants, they, in essence, would lead us to the crop of marijuana, and in some cases, would help us eradicate, load, and haul to Eureka the crop of marijuana that was bound for destruction.

And I do not recall, until the late 1970's, any incidents of violence or threat of violence in any form or fashion. However, by that time, the late 1970's and early 1980's, we saw one, an increase of technology and intelligence on the behalf of the growers; and obviously by that time our sophistication had risen to the point where we had gathered, in law enforcement, a substantial amount of expertise that we possess today.

Unfortunately, those low-key or laid-back, if you want to call them, growers are by far the minority at this time. What we see now is people here in this county, and I am sure other counties in Northern California, looking for one thing, and the one thing is obviously profit. Marijuana is the facilitator, but profit is the reason that they're here.

These people have caused us some substantial problems for law enforcement. We in law enforcement, on the other hand, have become quite frankly red-faced because, due to budgetary cutbacks in the sheriff's department here locally, we lost in excess of 20 personnel. And other cutbacks in other law enforcement agencies we, in fact, have been going the opposite direction. While our expertise was growing, our abilities were declining simply based on personnel. And so it got to the point where the larger and more violent-prone the grower, the less contact those people had with the law enforcement, especially at a local level. Therefore, it took the view, in fact, that we were either turning our back on those people for fear of our own personal safety or the fact was that we possibly just didn't want to deal with them. The fact is, the contrary was, in fact, true. We knew there was a serious problem; they were, in fact, a priority target, but we could never deal with those people simply because we could never muster the manpower necessary to take a problem like that on -- take that problem on head-on.

And that brings us to the beginnings of the CAMP Program. The Attorney General's staff contacted myself and other sheriffs in the state who seem to possess this problem and offered a very valuable resource.

As I indicated earlier, we, through the years, had put together the most vital ingredient, and that was the expertise, which we still

possess today. We had two other ingredients that were obviously missing -- personnel and the funds to pay those personnel to eradicate the problem.

The CAMP Program has allowed us to fill those two voids. And, I might add that, in this county, we have to feel very good and very positive about the CAMP Program because with those three ingredients, the expertise provided by us, the personnel, and the funds supplied by the state and federal agencies would, in fact, have made a substantial impact. And I think that as a sideline to this entire presentation, I think if I leave you with one thing, I think that one thing has got to be that the local law enforcement agencies as well as the district attorney's office, and every other agency at a local level are the backbone, I believe, of the entire CAMP Program.

The situation and the resolutions for problems in Trinity County, Del Norte County and Mendocino County are best solved by local individuals, whether it be the sheriffs, D.A.'s or a combination of those agencies as well as the judicial system. And I think that that solution should always be of the direction that we're going. I think those departments and those people are the key to this entire success of this program.

CAMP came to us and presented us with a proposal that allowed local control to direct CAMP efforts. This was, in fact, the selling point of the entire CAMP program as far as I personally was concerned. I did not want federal agencies or state agencies wandering in and wandering out of the county conducting independent operations because the fact was that, throughout the years, the sheriff's department has been the responder to questions, accusations, credit at times, for

eradication efforts when, in fact, we may or may not be the causing agency. So, we felt it vitally important that CAMP agree and CAMP allowed that possibility to happen.

How effective has CAMP been? I think that this year, the CAMP efforts were exceptional. In 1982, Humboldt County Sheriff's Department, with a reduced staff, as I indicated, of 21 personnel, eradicated only 12,000 plants weighing approximately 21,000 pounds. In 1983, in conjunction with CAMP, we eradicated 31,000 plants weighing in excess of 150,000 pounds. I think that there's a substantial increase, and I think that it's had a substantial impact. I think that this needs to continue, with local control being the key for the entire effort. I might add that it's too soon to really evaluate the effects of Senate Bill 532 of Ken Maddy's, your bill Senate Bill 1121 and also Assembly Bill 2044. Every one of these, I think, take effect January 1, 1984, and will, I think, add additional muscle, if you will, to the law enforcement efforts. And I think, quite frankly at this point, it is just too soon to tell. I feel that, as the District Attorney has indicated, as Judge Buffington has indicated, that criticism is due the CAMP Program. We have, in fact, criticized the CAMP Program. We have just completed the first year, as the Attorney General indicated, we did have a critique of the CAMP Program in Sacramento. I personally was pleased with the receptiveness of the Attorney General and his staff to the criticisms, constructive in nature every one of them, and I see more cooperation and a better understanding at all levels -- from the county level on through the state and federal levels. I also see a need for financial support to my agency to help defray the additional cost that the eradication efforts should go under.

And I might add one further thing. Nothing has been said here about the growers themselves. But quite frankly, the commentary that I get from growers themselves is that the majority of them is very supportive of the CAMP efforts because in this county, especially in this county, we have prioritized the violent and commercial growers as our key priority. We have found that the growing society, if you will, are very supportive of that, in fact, have communicated to us by mail, by phone calls, by anonymous information pointing us in a direction that would allow us to eradicate, in fact, those kinds of people, and in fact, that has happened this year, and to our satisfaction as well as the satisfaction of the majority of growers. So, I think the CAMP Program has got some good things to say for itself.

CHAIRMAN KEENE: Questions of Sheriff Renner? Mr. Wong.

MR. WONG: Earlier, one of the comments that Judge Buffington had about the CAMP Program was that it robbed local law enforcements of its ability to deal with -- maybe "robbed" is too strong of a term -- lessened local law enforcements ability to deal with or rather, ability to respond to other crimes. Would you, do you feel that is correct? Would you tell us if that is true or not true.

SHERIFF RENNER: I think that the CAMP Program is a burden to local law enforcement, especially an agency as mine that's been reduced substantially. As I indicated, the expertise we have always had, the funds to pay the personnel we have always lacked, and I think that what I interpret the Judge to indicate is that if we have five people assigned to, for example, marijuana eradication and some other major crime occurs, we're going to have a less of a response unit to that particular crime. I would agree with that. We maximized our efforts this year in marijuana eradication, and yet we did that with a minimum

amount of personnel. And, that's going to have to be the posture that we continue to take unless additional funds are forthcoming to supply us with those personnel that we need.

MR. WONG: One of the other areas that we've been talking about is the incidence of violence associated with marijuana cultivation. Is it your feeling that the CAMP Program has decreased violence in the fields?

SHERIFF RENNER: It is my feeling that, yes, they have decreased violence in the field, and I'll give you an example of that. Earlier in the season, when we had discussions with the Attorney General's people, and I certainly had discussions with my staff, one of our major concerns was the concern of confrontation, because of the fear that we might possibly get violent opposition from large commercial growers. We found, quite frankly, the opposite to be true. When we would go into an area that was heavily cultivated, we, in fact, would find houses standing empty where there had been people minutes or moments before our arrival, and I quite frankly have to make the comment that I think that the massive show of strength, including the helicopters, made a definite impact upon those people and certainly put us in a position of fighting muscle with muscle rather than a minority position.

MR. WONG: What about the booby traps that, we hear, surround the fields? Did you come accross any or did you find evidence of some that were removed by the cultivators who fled before you?

SHERIFF RENNER: We found booby traps, not that had been removed, but were, in fact, intact. This is a problem in a minority of marijuana gardens, but it is certainly a problem that needs to be addressed and needs to be prepared for in every case.

CHAIRMAN KEENE: Sheriff, one angle I'm interested in pursuing a little bit is the notion that you're beginning to get some information and cooperation from some of the anonymous cottage growers who seem to be interested in putting the large, commercial, well-armed growers out of business. How much of a factor is that? How reliable is their information? Has it proved useful in dealing with some of the more threatening kinds of operations?

SHERIFF RENNER: We certainly have no way of determining if, in fact, the growers that we're being keyed to are the more violent growers. However, the information we are receiving is valid information, and it has, in fact, been used as information allowing us to possibly conduct an overflight that would result in a search warrant and potentially an arrest. And, I might add, a typical example of this also occurred in the southern Humboldt area where we had conducted raids early in, I believe it was, the mid-point in July, and some time around the first of August we had received additional information that we, in fact, had missed the largest, most commercial operation in that area, and we were given information by the growers, at which point we re-flew the area, located the site and it, in fact, turned out to be an operation that included residences for multiple manicurists, people processing the dope, there were work stations for an excess of ten potential employees to process the marijuana, and, in fact, was a multi-million dollar crop when we finished harvesting it.

CHAIRMAN KEENE: Is there any evidence that the willingness of people, perhaps neighbors to cultivators, to act as informants has increased by the new capability on the part of law enforcement to deal with cultivation?

SHERIFF RENNER: I totally agree with that. I find that once the growing and non-growing public becomes, in fact, in tune that we can and will react to the needs. We are seeing an increase in information coming forward to allow us to, in fact, do what we want to do.

CHAIRMAN KEENE: Thank you. Any other questions?
Assemblyman.

ASSEMBLYMAN DAN HAUSER: Dave, did your office receive complaints from other residents in the area that may have been impacted or claim to have been impacted, and, if so, does your department follow up on any of these complaints such as frequent overflights of non-involved residential users.

SHERIFF RENNER: You're speaking specifically about the CAMP Program?

ASSEMBLYMAN HAUSER: Yes.

SHERIFF RENNER: Yes. We did receive no complaints during the actual marijuana season or during the eradication effort. But as a critique to that, in evaluation to that, I have spoken with both private citizens and also people affiliated with state and federal agencies that have voiced criticism to me that I think can be addressed through the critique process that we've undergone with the Attorney General's office. Mainly they were concerned about the flight patterns of the helicopters going to and from marijuana gardens, and I think that that is a very solvable problem and one that I think that, at least we in this county, will address, and I think that there is a solution for that.

CHAIRMAN KEENE: Thank you very much for your testimony. Ray Shipley, the Chief of Police, City of Eureka.

CHIEF SHIPLEY: Good morning, again, Senator. Can you hear me in the back of the room? Good morning, again, Senator and Assemblyman Hauser. I want to thank you for this opportunity to express my views on the problems associated with the unlawful cultivation of marijuana on both public and private lands from my perspective as the Chief of Police of the City of Eureka.

As you know, Eureka is the County Seat, the largest city in the county and the hub of many of our social, recreational and economic activities for a very large region of the state. As a result of the increasing development of the unlawful commercialized cultivation of marijuana in the surrounding region, we have experienced a number of adverse effects. In the interest of time and the number of witnesses awaiting to testify, I'm going to be brief, but I would like to enumerate some of them. In my opinion, the reason why the problem has grown to the major proportion that it did in this past year is because it is a low-risk, high-profit venture, one in which many people have profited from and evaded both detection and prosecution. We have had the inability, at the local level, to really cope with the problem in its magnitude that developed.

As a result, even in our community, a number of persons following the example of the major growers in the county have started to grow and cultivate and sell marijuana, both on private and even public property within our city limits.

Other problems associated with this activity have included assaults, robberies, burglaries and the more wide-spread use of other dangerous drugs.

Again, as you know, there is a great deal of profit to be made from this activity. In some cases, the profit is converted to private use; in other cases, the profit is converted to the purchase and use and sale of other dangerous drugs. As a result, recently we have seen an increase in the amount of methylamphetamine or speed labs in the region. We think this is a result of an effort to increase the amount of speed for the growing drug problem.

Youngsters who are exposed to the example of a high degree of profit and evasion of their requirement to comply with the law, we believe, has increased because of this example that is exemplified throughout Northern California. It appears to people ranging from the age of eight to senior citizens that there is nothing really that wrong with growing, selling and using marijuana and then converting that cash for other purposes.

In some cases, we've seen youngsters growing marijuana in public parks in our city and even within close proximity of some of the elementary schools. And, this concerns us.

In conclusion, Senator, I would like to emphasize that I believe that the CAMP Program is an excellent beginning, and that the Department of Justice Bureau of Narcotics Enforcement should continue to both strengthen, improve and expand the program in full cooperation with local law enforcement. Coincidentally, you may not be aware that for some time we had not been actively engaging

in repression of other dangerous drugs, and earlier this year, again with the cooperation of BNE, we were able to organize a county-wide narcotics task force, and much as we expected, we are finding that there are links between other hard drugs and the major growers and sellers of marijuana. And, I would hope that with the expansion, the sophistication and improvement of the CAMP Program, it will dovetail very cooperatively with the efforts of this narcotics task force.

Finally, Senator, I would like to comment that, as you know, you authored and supported one of three measures this year which will go into effect on January 1 dealing with drug enforcement, and they deal with the requirement for convicted users and sellers to reimburse local law enforcement, or I should say, the criminal justice system, and the forfeiture of assets in that support. I think that also is a step in the right direction. And, if those funds can be channeled directly down to the local level to replace some of the resources that we have lost as expressed by Sheriff Renner, I think that too would help us to restore adequate control and safety to our community.

Again, thank you for this opportunity to appear before you, and if you have any questions, I'll be happy to address them.

CHAIRMAN KEENE: Any questions of Chief Shipley?

ASSEMBLYMAN HAUSER: Ray, in the experience of the individuals involved in cultivation here in Eureka, would it be your impression that there would be any opportunities for recovery of costs from the cross section of individuals you've dealt with?

CHIEF SHIPLEY: I would suspect that there is, Assemblyman. I think that in some cases we have seen a great deal of financial assets that people have possessed, and if the mechanism is there and the opportunity and the legal mechanism to recover that money. The next thing, of course, and I need to emphasize that, is that these funds need to be directed down to the lowest level of operation, absolutely, because that's where we've suffered the greatest loss. And we, in the final analysis, as aptly expressed by Sheriff Renner, are sworn and obligated to provide for the safety of our community.

Gentlemen, again, thank you very much for this opportunity this morning.

CHAIRMAN KEENE: Thank you, Ray. We're about to break for lunch until 1:30. We'll try to start as close to 1:30 as we possibly can this afternoon. The testimony so far has been very valuable. We need to hear from adjacent counties, Del Norte, Mendocino, the Hoopa Valley, some of the federal people, the Forest Service, Department of Interior and so forth, the Forest Protective Association, so we'll have some valuable witnesses this afternoon. I hope you can come back. Others who wish to testify following the scheduled witnesses, please let us have your names, and those names should go where, Gene? To Linda Hashimoto -- up here. Thank you very much.

CHAIRMAN KEENE: Please be seated. Our next witness is the District Attorney of Mendocino County, Vivian Rackauckos.

MS. RACKAUCKOS: Thank you. Okay. What I have to say will be fairly brief. The number of cases that have been brought to my office for prosecution through the CAMP Program, or any other marijuana eradication program this year, has been somewhat minimal. We have not yet had, physically, to prosecute all those cases, so I cannot say that there's been a tremendous budgetary impact at this point. Conceivably, there could be, but I think it's easy to make that a bigger issue than needs to be, and what I'm saying is that it's easy to say, well, we have to determine whether to prosecute this type of case or this type of case, and in priorities, then marijuana cases are not as important. But, I don't believe that way. I think that if you charge somebody with a felony, then you have to be able to see that case through.

One of the things that was said earlier about setting a finite number of marijuana plants that can be grown, it seems like it's an easy solution. It just reminds me of something that I was told not very long ago. One of our county supervisors said to me that in the springtime he was having a conversation with a marijuana grower who hadn't yet planted his garden. And he was saying because I'm newly-elected and I just came into office in January, he said, we haven't gotten clear direction yet from the District Attorney's office how many plants it's safe to grow. In past years, he said, we've had strong clues as to how many plants would be a misdemeanor or would be divertable. And, the supervisor told him, I don't think that you're going to

get a real strong clue, and he said, well, I want you to know I'm still negotiable on this -- I haven't planted yet. That's the problem I think with setting a particular number. There are a lot of factors that I think that present problems with that, and that's that you have to include the size of the plants and the quality of the plants, the number of growers on the property, the acreage that it's covering -- there are so many things that I think it's best left to the discretion of that particular office to decide whether or not personal use, whether or not they believe that amount is personal use. So, while it may sound like an easy solution, I think it's very difficult. I mean, if somebody comes to you with, you know, a huge Christmas tree that's one plant, but would net them a couple of thousand dollars, I don't see how you can justify, in my opinion, I don't see how you can justify saying, that is just personal use.

With regard to the budgetary problems, I would say that if it weren't for the CAMP Program, it would be very difficult for our agency to say that we are going to spend half of our budget or some percentage of our budget, a significant percentage, on prosecuting marijuana cultivators. And, that's to say that if I were to tell the Board of Supervisors that it's going to take half of my budget, I'll tell you immediately, they'll just cut my budget in half. They would not do that, so, to say that a state agency is coming in and we are cooperating with them, and the Attorney General's office is offered assistance, I think that takes the burden off of us to some degree. I want to say that very carefully -- it's something that we're cooperating

with, but marijuana in Mendocino County is such an old problem now that in some ways the people are just tired of hearing about it. I don't think that means they're accepting it or they're condoning it, but they're just tired of it, and any new program that's coming in, if I were to say, this is my project, I'm going to do something to eradicate marijuana, it's just something that they've heard before, and they're not interested in hearing again, and they don't want -- they would not -- the voters, I believe would not -- want that amount of money singled out for that. But to passively accept it or to cooperate with another program, I think, is exceptionally helpful.

With regard to the way the people feel, I think that I'd have to agree with one of the things that Chief Shipley said earlier about it being a bad example to set for the children or the young people growing up in the area where marijuana is being cultivated freely. I had the mother of an 18 year old boy come to me during the campaign and tell me that she was very disturbed that her son was considering growing marijuana -- just enough to buy a car -- just for one year, and just enough to buy a car. And, she told him absolutely not on their property, and he went in with a friend or said he was going to go in with a friend and grow on some other property. And, she said to him, don't you realize, you know, don't you realize what you're doing, that this is very serious, and he said, it's not very serious, you know, if I get caught, and if I don't get off right away, then I'd probably get county time or nothing or probation or diversion. And, so, to have the kids know that and then engage in illegal

activity in reliance upon a policy of non-prosecution or an inability of law enforcement agencies to prosecute or to seek out those cases, I think, is a very dangerous example. And, this mother was very concerned; she certainly didn't want her 18 year old son going to state prison, on the other hand, she did not want him to think that it was safe to grow marijuana. It's a terrible dilemma to have a family in.

We had a fair share of violence in Mendocino County related to marijuana cultivation. We've had some prosecution of pot robbers. Early in the year, we got a conviction of, I guess, it was seven armed robbery counts on each of two men charged with robbing people that had various degrees of involvement with the marijuana crops -- some were very involved, some were visiting and had no involvement at all, and yet, they were all victimized.

Some public sentiment during that trial was that we were somehow coddling marijuana growers by prosecuting the case at all. That was not the truth, certainly. They were being victimized and were not given immunity, but came forward and testified. Those difficulties exist when trying to prosecute those cases because there are a fair number of people, fortunately none of the people that were on the jury, but there are people that believe that if you're engaged in criminal activity, that if you're then the victim of more violent activity that you don't make a good enough victim to be able to have a prosecutable case.

One of the things I'd like to say about the CAMP Program is that I had the privilege, I guess you'd call it a privilege, to go on one of the raids. It wasn't really my request, it just came to be that I was asked to go and I did go. And, I was very, very impressed with the professionalism that everybody involved showed toward the defendants and the way they handled themselves on the raid. I also came to see that it's exceptionally time consuming. The destruction of the plants is very, very time consuming. It probably was, I don't know, 75 percent of the time that we were there, I guess, was devoted to destroying the plants. So, if there were some other way to do it, to destroy them on the site, or to do something other than cut them down, it would really increase the effectiveness of the program.

I was also very impressed with the potential danger that the officers see when they go out to conduct a raid. They wear bullet-proof vests; they're always on guard, you know, anything could happen. Overall, I think that the program is very good, and speaking from my office, I'm very pleased that we've had it in Mendocino County.

CHAIRMAN KEENE: Thank you very much for your testimony. Any questions of the District Attorney? Thank you very much.

MS. RACKAUCKOS: Thank you.

CHAIRMAN KEENE: Sheriff Tim Shea, Mendocino County Sheriff.

SHERIFF SHEA: Good afternoon. First of all I would like to thank the committee, Senator and Assemblyman, for allowing us all to be here today. Can you hear me okay? Okay. I think this is a wonderful opportunity for everybody to express their

feelings and concerns about not just the CAMP Program, but about the marijuana problem in general.

In 1983 the State of California agencies as well as federal agencies put all their funds together to combat the growing marijuana cultivation industry. These funds were controlled by the Bureau of Narcotics Enforcement, which is state, under the name of CAMP (Campaign Against Marijuana Planters). \$38,000 was budgeted for Region Two which encompassed Lake, Mendocino and Sonoma counties. Three-fifths of the time and the money on the eradication in that region went to Mendocino County, which was, I understand, \$22,800 that went into the CAMP Program in Mendocino County. In addition to those funds that came from the state and federal government, Mendocino County paid approximately \$31,964 for two men for their base pay and overtime and also including money for vehicles, gas, film and film processing and that sort of thing. That precludes the time, the overtime, that will come about because of prosecution at a later date. In addition to those funds that Mendocino County spent, my other deputies, not involved in the CAMP Program, my patrol deputies, spent over \$28,000 also for the eradication of marijuana. So, totally spent out of Mendocino County to combat this problem was over \$60,000 -- out of Mendocino County that has a population of less than 80,000 people -- that's a tremendous amount of money.

Since 1977 Mendocino County has seized approximately 100 tons of high-grade sinsemilla-type marijuana. This

marijuana has been conservatively figured to have a street value of approximately \$90 million. That's in a six year period. We have seized approximately, or in excess of, 68,000 growing marijuana plants in that six year period and have arrested over 680 people for marijuana possession, cultivation and so on. The total cost to Mendocino County in that six year period is in excess of a quarter of a million dollars. Ladies and Gentlemen, that is staggering for such a small county as Mendocino, and we can't afford it.

Mendocino County has witnessed a significant increase in narcotic related crimes since 1977. This is due largely to the rural nature of the county, increasing population and very minimal law enforcement personnel to enforce narcotic related crimes. The remote areas of the county are being utilized for cultivation of marijuana as well as manufacturing of illicit drugs. This year alone we have made arrests and we have made investigations of five clandestine drug labs in Mendocino County. Such labs were capable of producing in excess of 400 pounds of methamphetamine, which is a great deal. And that was just for the first four months of 1983 alone.

Outlaw motorcycle gangs such as the Hells Angels and Misfits are utilizing the county to provide safe houses for club members. These gangs have been responsible for a variety of crimes in Mendocino County, including but not limited to the manufacture and distribution of drugs, thefts, assaults and homicides. Mendocino County has experienced a terrific increase in assaults in just the last year alone. In the

last few months, within Mendocino County, there have been five assaults by shotgun -- the latest one just a few days ago in the City of Ukiah. And, mostly, these are assaults upon, and between, marijuana growers. So far, we have been fortunate; we have not had any on law enforcement itself. Mendocino County drug enforcement has been limited, at best, due to money and limited available personnel. During the marijuana eradication programs since 1977, there have been no other drugs worked in Mendocino County as the eradication of marijuana takes all of our available officers. So, we have nobody free to work hard narcotics while we're concentrating on marijuana.

In closing, I would just like to make some brief comments, and that is, if we're going to wage war against marijuana, we must wage absolute, all-out war. Anything less than that is unacceptable and will not be effective. And, otherwise, we're just wasting time and money. All-out war against marijuana requires a tremendous amount of money and other resources. Small counties, such as Humboldt and Del Norte and Mendocino County, do not have the money, the manpower or other resources that are necessary to wage an all-out war on marijuana. If the state and the federal government want all-out war on marijuana, and I believe that they do, it will be necessary to commit large sums of money and other resources to each and every county that has a marijuana problem. Anything less than that is just not going to do the job, and ten years down the road, we'll be talking about, as we are today, about what we can do. I believe those are the only answers. Thank you.

CHAIRMAN KEENE: Thank you very much. Any questions. Let me just ask Sheriff, if you had to rate the program, the CAMP Program, on two grounds: one is cooperation between state and local law enforcement officials, and if you had to rate it also on the basis of potential for effectiveness, what kind of grades would you give it?

SHERIFF SHEA: Oh, on a scale of one to ten, I would have to say ten. At the beginning of the program or before it even went into effect, I as well as many other sheriffs and law enforcement officials really had some serious doubts about CAMP because never before had many law enforcement agencies really been able to work closely together because of professional jealousy and other problems, many of us just didn't feel that it would work. But, I'm here to tell you that I was very pleasantly surprised -- it did work, but it was on a small scale, relatively speaking. Although it was successful, it needs to be made a lot larger. I think the concept of the program is excellent. Counties and states and even the federal government can no longer afford to work as individual agencies toward combating this kind of a problem. We do have to work together. That's imperative -- that we pool our resources and money and anything else available to us and we work on this as a concerted effort.

CHAIRMAN KEENE: Thank you very much. Chief David Johnson of Ukiah. While you're coming forward, I just wanted to ask the

District Attorney a question that I forgot to ask before, and that was do you support the notion of making, or giving the District Attorney authority to decide whether to file as a felony or misdemeanor, the wobbler authority?

MS. RACKAUCKOS: No, I don't support it, but I don't oppose it real strongly. I would prefer to keep it a felony and to charge possession of more than an ounce in the appropriate case even if it is technically a cultivation. If you don't want to charge cultivation, just charge possession of more than an ounce.

CHAIRMAN KEENE: You don't see that as two extremes.

MS. RACKAUCKOS: No, because realistically they're not. The cases that you're going to charge, you see, I think you'd have a higher tolerance for misdemeanor cultivation there. If you had such a thing, then, in my opinion, you'd have as misdemeanors fairly large gardens that would be misdemeanors because they would be compared to the very large gardens.

CHAIRMAN KEENE: Okay. Thank you. Chief.

CHIEF JOHNSON: Thank you, Senator. Again, I would like to express my appreciation for the opportunity to be here today. One of the major concerns that small town chiefs and small county sheriffs have when we get together is a complaint that, a frustration feeling that maybe the people in Sacramento don't really listen a whole lot to what we have to say because of the priorities of the larger communities and larger population areas of the state. But, hearings like this are encouraging, and I think it's really, if we don't speak forth when we have the opportunity to do so, it's nobody's fault but our own.

One of the major concerns that the cities have on the CAMP Program, incidentally which we, as the City of Ukiah wholeheartedly support, and will continue to do so, is the fact of liability. One of the concerns that the City Manager had in going to go forth with the program and contributing manpower to it was the fact of liability. Before, in previous programs we could handle it more or less under the mutual aid situation, but under the CAMP Program where the officers were volunteering to participate in the program, it was strictly a voluntary, on an off-duty status. And the questions came up: who handles the liability or what protections do the officers have should they become injured or killed while participating in the program.

The city and the state retirement programs obviously would not cover them because they're acting in a voluntary off-duty status. I don't know if there's a way around that or not, but I think it's something that should be considered and maybe talked about further so that we can assure our people that they will be covered in some manner should they become injured or killed in the line of duty on an off-duty voluntary basis.

Fortunately, the city and county does not have a tremendous problem with the great growers. We have an occasional backyard-type people which every community has. But we certainly have the effects of the big growers in our community as Chief Shipley's lawyers pointed out. The new fact that when we see 6th and 7th graders using this marijuana and other

drugs, it really becomes a rather serious problem for us. Additionally, we get some of our citizens calling us in utter frustration, sometimes, as to what they can do as property owners or just people enjoying recreational areas in Mendocino County when they become threatened and approached by the growers. Talk of vigilante committees has sprung up and really concerns me, and if we don't do something, as I'm sure the state obviously is prepared to do now, then some people are willing to take the law into their own hands, and obviously, that is something that we cannot tolerate. So, I think the CAMP Program, from that respect, is one in which it's really done a great deal. But we haven't done a great deal as far as having these people dissuaded from growing their crops. But, I think it is a good start. It's one that we are thoroughly committed to and supply as much resource and manpower to as we possibly can and still take care of our other responsibilities within the city limits of Ukiah.

Part of the problem -- I think the District Attorney mentioned, and others mentioned -- is this finite number of plants that we should become concerned with. Not this District Attorney, but one of the prior ones, had 50 as a finite number for personal use. I defy anybody to smoke enough joints to constitute 60 plants, or 50 plants. And, that's the other problem, it was before the same few major growers, now it seems like there are a great number of smaller-type growers in addition to those that are in it for commercial purposes. This, too, these types of people we do have within the city, but again, we can handle those kinds of

problems. It's the larger, the big growers, that we're concerned with, obviously, as everybody here is in the room, I'm sure, is and the City of Ukiah is prepared to do as much toward that end and giving manpower and resources as we possibly can. That's all I have. Thank you.

CHAIRMAN KEENE: Thank you very much, Chief. Any questions? Thank you. Thank you for your testimony. I'd like to call on Supervisor Anna Sparks. I know you have a board meeting, either ongoing or about to go on.

SUPERVISOR SPARKS: It's going on.

CHAIRMAN KEENE: It's already going. The sound system is not working here. The City facilities have let us down. We should have used the county chambers, obviously.

SUPERVISOR SPARKS: We're in session. Mr. Chairman, I would like to thank you for allowing me to come into the committee ahead of the line because I know that, and I appreciate your courtesy in this.

I have tremendous respect for what the CAMP Committee has been able to initiate in Humboldt County and in our adjoining counties; they've done a tremendous job. I have received a few complaints about the helicopters and many other things from constituents that, I think, are growing, but I disregarded most of the complaints because I think that, overall, the complaints came from people that were in the business rather than from the concerned citizens that are fighting against this. And, I would like to take a minute and read a couple of letters into the record and show, kind of, what we are fighting here in Humboldt

County, and one of the reasons I have taken it on as a campaign of mine to eradicate the marijuana problem.

I am filing this complaint as a last resort in order to prevent injury to innocent people. Direct personal appeals have been ignored. I'm going to delete the names used in this correspondence because I don't want to jeopardize these people. Blank and his hired associates live on a 40-acre parcel. The former are disturbing and endangering the lives of their neighbors, specifically by 1) repeated firing, often at night, of automatic weapons, Thompson machine guns, high-powered rifles and numerous other shotguns and handguns. These weapons must certainly be illegally owned and are also being used in an illegal manner. 2) Booby traps set in trails, shotgun or shells, to discourage trespassers. These are dangerous, especially considering the number of small children who travel without regard to property lines. 3) Attack dogs tied up to marijuana gardens, barking night and day. They are a general nuisance. It is not only dangerous to our children and other unwary persons. Other nuisances such as armed guards with radios patrolling roads and gates might be mentioned. But, my major concern is the guns, guns, guns. I ask that you investigate this matter immediately. I remain anonymous for my own safety.

Dear Sir, this letter is in reference to my neighbor. I'm tired of being forced to tolerate his degenerate manner simply because I own my own home. I do not want to move. For four years now, I have sat here and minded my own business while I see large garbage bags of marijuana go out of his home day and night. The rifles and guns were bad enough. I once went into his home to use

the telephone, and there were five shotguns, three rifles on both sides of his front door. Needless to say, I never returned.

Please help us clean up our town. It has become a cesspool of drugs and crime for our children to grow up in. Mr. So-and-so has once again filled his house with marijuana. Now is your chance. Please get this animal out of here so I will never have to hear my junior high school son come home again and brag to me how this gentleman is a celebrity at South Fork High because he grows and sells the best marijuana. Thank you. A Concerned Neighbor and Parent. I would sign my name, but I fear for the safety of myself and my family.

To Whom It May Concern: You may find this is a strange request, but I need help. I'll try to start at the beginning. I live in Whitethorne on property owned by . . . I am involved in a group of people who grow grass. We are in for the money, but a time has come when I must call it to an end. The time is about noon on Saturday the sixth, and the last two nights have been hell for me. They have night patrols in the gardens for rip-off and deer. The last two nights have been full moon and really clear. The plants are big now, and the deer love to eat them. They shoot all the deer they see. The last two nights, my kids were awake all night crying for the deer and their babies. My son heard the men talking about shooting the deer and went up to the canyon and found one of them and asked them about it. I didn't think this would affect them like it did. He told about it, and they both cried. Thursday and Friday, they shot eleven deer at night. The shots from the big guns, they kept them awake, and the thought of the dead deer kept them crying all night. I can't take it anymore. I'm not a very good

mother, but I can't stand to hear them cry all night. If I say anything, I'll end up dead or wishing I was. He has do most of his dirty work and that animal would love to get his hands on me. Please end this nightmare for me. Raid our gardens; please do it. It's my only way out of this mess. Most of the gardens are on other people's land, timber, Simpson, BLM and a couple more. I'm not sure, but out there out of about 20 gardens, they talk about at least a million this year, and they don't need the money. It started out small, but they have now gone crazy. Be careful, they have lots of guns and love to use them. gets crazy when he gets loaded -- he thinks he can do anything and get away with it because his old man is a big-time cop. Burn this letter, and please don't blow it for me. There is lots more I can tell you, but it would just make things worse for me. Please help.

This letter, I'm not going to read in its entirety, but this person here has lived in the area for 14 years. They are now leaving the area. They retired here eight years ago. I have had many calls come into my office from people -- people actually into my office, telling me that they know that they're not from my district, but they can no longer put up with the trafficking of marijuana in the area. They are having to sell their homes. Here's legitimate, tax-paying people who are the good, honest citizens of this community being forced out of their homes and to leave this area. The back of this letter -- I'm going to try to read just a part of it.

This gal, she shot her boyfriend in the neck two months ago, and he wouldn't seek medical help. Such-and-such drives such-and-such a car and is also a big grower and a runner and repeats there are only three families that do not grow, so they can see what a

mess. I would not want to see a few growers get caught. If the whole place can't be cleaned, it would be a waste of money. We were so desperate, we thought about going to the Attorney General, but we knew it would be futile. So, we will just sell our place and make other plans. But, here's three pages listing all kinds of names of every one of the growers, who's growing, who's trafficking and what is happening. It condemns our sheriff's department; it condemns our attorney, our district attorney's office. But, you know, it is so horrendous, that there is no way that our sheriff's department, our district attorney's office can possibly afford to go and continue the prosecution, the eradication, have enough people and men to work all of the different cases.

So, I'm going to make some recommendations. I obviously don't know what went on before I got here, but some of the things pertaining to this -- people leaving the area. The marijuana growers themselves are advertising our county. They put Humboldt home-grown stickers now on some of their products. Our county and the counties surrounding us have become terribly, well, very well-known for adverse types of people living and growing here.

It has been made known state and nationwide. Now is the time we need to turn that around by saying we now have the county that has had more pot taken out of it, and the surrounding counties, we are trying to prosecute as many as possible. We are going to turn the image of Humboldt County around and put it back to where we use to be -- a fishing community, and known for our sports fishing and the positive image that Humboldt County once held for our timber industry. And the only way that I see that we can possibly turn this image around is by establishing a CAMP Department. I feel it

needs to be established, it needs to be funded, it needs to be under the Attorney General's Bureau of Narcotics Enforcement. That organization or that department, I feel, would be staffed continually so that they could disseminate the intelligence, the information, coordination. We have CDF, California Fish and Game, we have Department of Forestry -- all of these agencies that are working out here in the field also need to be trained. Their staff needs to be trained so that they know how to deal with the different problems that they run into. Turning your back on the marijuana growers is not the answer anymore for the safety of CDF or Fish and Game.

CHAIRMAN KEENE: Supervisor, I'm going to ask that you make your recommendations very brief because we've got a whole list of witnesses that have yet to testify.

SUPERVISOR SPARKS: Okay. I'm down, I've only got two more. The other thing is a budget. A budget needs to be set up specifically for that, funded by the state and by the federal.

Also, there has been private funding offered by the different companies that are interested in helping -- the timber companies, different organizations that want to get involved with the funding. This should be set up and developed so that funding can be taking place for a permanent way to help our sheriff's department, our attorney general, our district attorney's office and for our court systems so that it can be ongoing. Also, for the prosecution and for our support for our organization here.

I would like to see CAMP ongoing and to go ahead. I'll help in any way that I possibly can, and I know other members of the board and the county will work with law enforcement, work with the attorney general's office, and work with the other supervisors throughout this

state so that California is no longer known as number one, number two or number three in marijuana. And, thank you.

CHAIRMAN KEENE: Thank you very much for your testimony and your long-term interest in the problem itself. Michael Duffy, Regional Director, Fiscal and Accounting Management, U.S. Forest Service.

MR. MICHAEL DUFFY: Mr. Chairman, thank you and thank you for bringing me up early. I've got a plane, and I'll just rush.

CHAIRMAN KEENE: He has a transportation problem, so I had to take him out of order. I'm sorry. My apologies to Del Norte County; you're not being slighted once again.

MR. DUFFY: I'll make this very brief because, actually, a lot of my thunder, or a lot of the things I wanted to say, were already said today, primarily by the Attorney General. But, there are some points we do need to make and would like to get in the record. I do have a prepared statement, which I will leave.

CHAIRMAN KEENE: Okay. We'll add that into the record and perhaps you could summarize for us the points that have not been made or allude to those that have already been made, if you agree.

MR. DUFFY: I will. We are a land management agency, not a law enforcement agency. We do have 20 million acres here in the State of California which we are responsible for. Over the past four years, the marijuana problem has become a real problem to us. We're looking at it as an unauthorized use of the national forest land as opposed to an illegal crop.

This has caused us four major problems: primarily, it has been the safety of visitors, contractors working in the forest and our own employees. Also, the introduction of pesticides and fertilizers is

causing us environmental problems. These two things have also created another issue -- the management of the forest itself. We have people that are employees who refuse to go into certain areas of the national forest to do their job. We have delayed timber sales because of marijuana activities taking place in that area. We have had employees shot at, and in investigations of those shooting incidences, we have discovered marijuana.

In doing our everyday job, we've uncovered booby traps of all sorts, some of which the Attorney General mentioned this morning.

One of the things we're trying to do is to inform and involve our employees -- what is taking place out there, what they can do to help with the situation, and part of that is coming forward with information as to where gardens are located so that we can channel that information to the proper law enforcement authorities.

This past year, we also were heavily involved in the CAMP operation, which you heard earlier. One of the biggest contributions we had in it was financial. We contributed upwards to \$75,000 in our cooperative law enforcement money towards the CAMP effort. In addition to that, we spent approximately \$270,000 statewide on the marijuana eradication outside the CAMP area. We are planning to continue our efforts in the ensuing fiscal year.

We did have an individual at the CAMP headquarters in Sacramento as a logistics chief. We plan to continue that in the future.

As far as federal jurisdiction in the law enforcement area, this is really the drug enforcement administration's primary role and also the Federal Bureau of Investigation recently has gotten that authority.

I guess that's pretty well the summarization of what I had to say. A lot of the issues were covered earlier.

CHAIRMAN KEENE: We'll include the entirety of your testimony in the record book. We appreciate your summarizing. Are there questions of Mr. Duffy?

ASSEMBLYMAN HAUSER: Let me ask one.

CHAIRMAN KEENE: Sure.

ASSEMBLYMAN HAUSER: Given the amount of acreage that the Forest Service maintains in the State of California, actually, the seventy some-odd thousand dollar figure does not sound all that large. Since apparently, in many of the areas, marijuana cultivation is precluding you from your primary role of management, is there any way of leveraging a greater financial contribution from the Forest Service, not from the Federal Bureau of Narcotics, but from the Forest Service as the state's assistance in helping you to manage your own lands.

MR. DUFFY: I'm glad you asked that question because I need to give you some more information.

For Marijuana eradication in the State of California last year, we, the Forest Service, spent close to half a million dollars. We do have an appropriation called Cooperative Law Enforcement, which is money that we funnel through the sheriff's departments and can only be spent by the sheriffs. It was approximately \$335,000 statewide.

ASSEMBLYMAN HAUSER: Statewide.

MR. DUFFY: Of that money. In addition to that, we did spend our unappropriated dollars in the marijuana eradication, in cooperation with CAMP and in cooperation with other sheriffs departments outside CAMP's 14 counties. So, all together, the Forest Service spent in this state approximately a half a million dollars in marijuana eradication for our own people. For instance, the individual that was at CAMP headquarters was not financed out of the Coop Law

Enforcement dollars, it was strictly appropriated dollars. I hope I didn't confuse the issue.

ASSEMBLYMAN HAUSER: It still sounds like only a few cents an acre, there.

MR. DUFFY: Yes.

CHAIRMAN KEENE: It used to be that, the word was, that if you messed with a federal agency, you'd have "G Men" crawling all over you, tracking you to the ends of the earth. Why isn't that the case anymore? You say the FBI has just gotten

MR. DUFFY: authority to get involved in the drug enforcement, illicit drugs.

CHAIRMAN KEENE: So, will that improve the situation, or . . .

MR. DUFFY: Well, given the manpower and budget constraints, it probably won't. Although I understand the drug enforcement administration, not the FBI, the drug enforcement administration is very interested in what we've done here in the State of California this year. And, I understand there's anticipation that they will provide more financial support in the ensuing years.

CHAIRMAN KEENE: I would hope so, because the Administration in Washington is certainly technically and spiritually committed to combating drug abuse and that requires, in this case, obviously, at least, a commitment of funds because otherwise, if federal lands are some of the chief places where the illegal activity is ongoing, to the extent that the federal government is passive, it becomes almost a sponsor of those activities. So, we would hope that they would up the priorities and the funding with respect to federal lands.

MR. DUFFY: Well, we, the Forest Service, are taking an active role in trying to protect our lands. We are ready, willing and able to participate in the CAMP effort again this year. In fact, we're trying, I was asking Steve Helsley at lunch, what is the commitment they want from us this year. And where do we go from here. We're waiting to find out.

CHAIRMAN KEENE: Thank you very much for your testimony. District Attorney Joseph Daily of Del Norte County.

MR. JOSEPH DAILY: Thank you, Senator Keene and members of the committee. I really wasn't too concerned about being passed over. I think that happens up in Del Norte County quite a bit. And, that's one of the reasons why I came down here because the CAMP Program, I think, is going to have a very serious effect on Del Norte County. As I understand from listening to Sheriff Hopper and seeing his picture in the paper in San Francisco, we got the least amount of attention. And, there's a number of laws that are also involved here -- I think there's something like "force follows the path of least resistance" and "supply and demand." And, what's going to happen is if all of this money is spent all over the State of California trying to eradicate marijuana, and if nothing is felt in Del Norte County, all the marijuana growers are going to come to Del Norte County.

The problem that we have is that there are only two attorneys in the criminal section of the District Attorney's office. We have a part-time Justice Court Judge, and our county has so little money that they have to let people take a day off without pay once a month. We have, at the present time, 1,923 open files in the District Attorney's Office: 893 of them are criminal cases, 800 of them are

family support cases and 200 of them are what we normally go through in a ten-month period of cases that are in the process of being investigated.

The State mandates all of these laws, the federal government mandates all these laws, but they don't give the county or the cities any money. We have the U.S. Fish and Wildlife come up and file 25 felony cases in our county involving other laws that are being violated to test whether or not this is constitutional. But, there is no money spent in the county to pay for the expense to the county of prosecuting those cases. In addition to the fact that we just have the part-time judge, we don't have any buildings to put more judges in or more prosecutors in if they happen to come up.

There is little room in the government buildings that are there now to handle the additional workload. I would urge the committee, in any type of laws, to consider the effect when it gets down to a small county like ourselves, of enforcing those kinds of regulations. For example, on January 1, there is a regulation that you have to have a mandated community work service program. Well, we don't have enough probation officers to handle the criminal cases that we have now, but now we also have to provide a community work service for the persons that don't go to jail because we don't have enough prisons to keep the people in that are committed to prisons.

A couple of comments about what's been said earlier today, talking about obtaining forfeiture from criminals. I was a bill collector for fourteen years as I worked my way through law school, and I believe that if you don't want to pay somebody, you don't have to, and the criminals aren't going to want to give their profit to the

state. So, they're not going to have any. They're going to transfer the title, they're going to put titles in other people's names. And the cost of finding out how they did that is another cost to be added to the cost of prosecuting all of these cases.

Another fact -- with that 1,923 cases with two attorneys, that allows us to have two hours per case -- that's assuming that we worked every day, Monday through Friday, on those cases. As everyone knows, it takes just as long to have a jury trial on a misdemeanor case as it does to have a jury trial on a felony case. So, if every one of these complaints that are brought by outside law enforcement agencies like the CAMP Program, the U.S. Fish and Wildlife, if all of those people insisted on their right to a jury trial, we're talking about 2,000 jury trials in a court that only has jury trials one day a week, maybe two days a week. Additionally, we only have about 3,000 people to be in the jury on those 3,000 cases, or 2,000 cases, because that's all the number of jurors that we have on the rolls. I think Mr. Van de Kamp had more employees in the Los Angeles District Attorney's Office than we have registered voters in the County of Del Norte. So, I would urge the committee that when they do consider making laws that mandate a local law enforcement agency, be it the District Attorney, the sheriff or the chief of police in a small city, to consider what effect it has when it gets all the way down to Del Norte County.

The other item I would urge is that the funding for training provided by the Attorney General's office through the Department of Justice and for the peace officers standards and training continue because, again, we don't have the funds in our county to afford to pay for that type of training. And, lastly, to maintain the independence of the local elected officials in their jobs. Thank you.

CHAIRMAN KEENE: Any questions of the District Attorney? Thank you for providing us with a dismal perspective of a small county in California today. Sheriff Hopper. Tom Hopper, the Sheriff of Del Norte County, to give us further good news.

SHERIFF TOM HOPPER: I'm going to keep it brief, Senator.

CHAIRMAN KEENE: It is an interesting perspective, though, for which we should get a response that, if you squeeze the balloon in these counties, isn't it going to pop out in Del Norte County. You're liable to become the growth county of the future. If all these folks move there, it would be the kind of growth you don't want, I guess.

SHERIFF HOPPER: Senator Keene, Assemblyman Hauser, first, let me apologize for my outburst in the audience a moment ago, but I, again, as I thought many times, Del Norte County had been forgotten. Del Norte County, for the benefit of the committee who are present, is in the Northwest corner of the State of California. It consists of 1,003 square miles of which 72% of it is public lands. These agencies consist of the Forest Service, Redwood National Park, California State Parks and Recreation and the Bureau of Land Management, which is included in a very small portion.

During the past six years, we have conducted a very concerted effort within Del Norte to investigate and remove as much marijuana as possible. In many cases, this was financed in total by Del Norte County. An exception to this was the assistance, both financially and with personnel, by the U.S. Forest Service last year.

Since 1978, Del Norte County has experienced a decrease in both its finances and its work force. The Sheriff's Department has been reduced by six field deputies and two staff positions. During the

same period, we have been attempting to overcome one of the most serious problems in society: drug abuse.

The recent success of CAMP is evidence that the problem still remains, even with the efforts expended to date. In addition to CAMP, the Del Norte Sheriff's Department conducted 64 investigations, confiscated 1,900 plants worth an estimated \$4,750,000 in 1983. We have used every resource available to us for the investigation and enforcement of cultivation laws, even to the extent of asking the State of Oregon and county authorities for their help in fly-overs and investigations along the state line.

You ask how you can help. Provide us with the laws and resources that will allow us to do the job that's expected. If our hands are tied by legal decisions or cumbersome laws, then it's done with economics. We need more equipment for fly-overs locating, photography and resources for removal. Not just spot checking, but complete removal. We further need the resources for the criminal justice system, for the prosecution and in the jails. I thank you for the opportunity of testifying, and I'll answer any questions.

ASSEMBLYMAN HAUSER: Tom, do you have any specifics on what you're talking about by the law, the cumbersome laws, the problem areas.

SHERIFF HOPPER: Assemblyman, we have so many problems obtaining search warrants, obtaining information, obtaining enough information to have the courts issue the search warrants so that we can go out. We had a particular case -- which is in adjudication at this time -- and where the individuals, we had maps given to us, provided to us, we had information, basically anonymous information, that we could

not use until they had to further substantiate the fact that there was a major commercial operation going at this location. And these are some of the things I'm talking about.

CHAIRMAN KEENE: Before you leave, we have granted legislatively by statute authority to some counties to assess an additional dollar on the penalty assessments. Is that something that

SHERIFF HOPPER: We're doing it, Senator, and utilizing the money for something else within the criminal justice system. Yes.

CHAIRMAN KEENE: It's being utilized for other purposes.

SHERIFF HOPPER: Yes, for the core purposes at the present time.

CHAIRMAN KEENE: Thank you very much.

SHERIFF HOPPER: Thank you.

CHAIRMAN KEENE: Appreciate it. Chief Nicholson Pottorff.

SHERIFF HOPPER: Excuse me, Senator Keene, I wanted to give you this, also. It has nothing to do with my presentation, but the number of cases on hand in these types of things.

CHAIRMAN KEENE: Thank you very much for your testimony. Sergeant Mike Guy, Legislative Liaison, California Narcotics Officers Association.

SGT. MIKE GUY: Thank you, Senator, Assemblyman. I certainly concur with everybody's statement, that it's certainly a pleasurable opportunity to be here and to discuss this matter with you.

I would like to change the focus just slightly. It seems that most everything we've heard today kind of dealt with what's occurring in the three or four northern counties, primarily. And, I don't really think that that's really what we're talking about. I suspect that, yeah, if your chief of police here or your sheriff here or dis-

trict attorney or Senator or Assemblyman, certainly it has a greater impact on you personally for that reason. But, I think the whole issue of cultivation of marijuana and the whole marijuana issue is certainly not as simple as to talk about what's occurring in Northern California.

I am the legislative advocate for the California Narcotics Officers Association. We have about 1,200 members throughout the state who are involved in narcotic enforcement at all levels.

To kind of get an idea of a different focus, I'd like to quote a statement that was made here recently at the Attorney General's Commission on Narcotics by Dominic DeCarlo, who is the Assistant Secretary of State for International Narcotic Matters. He is the one that basically deals with other foreign countries who are involved in other drug matters, be it Pakistan, Afghanistan, from the heroin situation, Mexico with the heroin, marijuana, et cetera. His statement was, to quote him, approximately, marijuana is the greatest drug concern that California has at this time. Now he, obviously, from his position, is looking at it from a federal perspective. But, a couple of other comments he made at this particular presentation, dealt with the issue of problems that they have in negotiating with these other countries. We tend to, as we did at that meeting, attack the federal government as such, as to why do we continue to deal with Pakistan, some of the other foreign countries, when they continue to provide us with our illicit, dangerous drugs and narcotics. But, he quickly pointed out that, in many cases, we're not. But, that in almost every instance, when the issue of assistance from those countries comes up, as far as the use of various things, including what's become a real buzz word

of late, that being paraquat, that the immediate response from these foreign countries is, you want us to do it in our country, but you won't do it in California. Now, I don't want to get into an issue on the paraquat issue because that's not the purpose of mentioning this, but I always say that the marijuana issue is not a California issue in its entirety, it's becoming a federal issue. It has become an international issue because of this very thing.

Mr. DeCarlo made the statement, something to the effect, that if we lose the marijuana battle in California, we will never win the battle of narcotics in the United States because it's going to be impossible to do anything with these other countries if we do not take care of our problems on the home front, so to speak.

One quick comment on paraquat -- only because there is a great deal of, I say misunderstanding or whatever -- but I find in my job with the department I represent, speak to thousands of different groups, and I find that very, very few people are even aware of what paraquat is. But, I was amazed myself to find out recently that there's ten million pounds of paraquat sprayed every year in the United States on vegetables that you and I eat every day -- on beans, lettuce, various plants like that, yet it's a horrible, horrendous thing in the minds of a lot of people to spray paraquat on marijuana.

The last 13 years, I have been assigned as a trained education officer for the Los Angeles Police Department, and in that job, I talk with groups all the way from the fifth grade to senior citizens and everything in between. One of the major problems that I've encountered in the last five or six years is that, invariably, the question will come up in reference to marijuana, we'll talk about

the harmful medical effects, which are very clear today. I might add, nobody can look at the medical data today, objectively, and come up with any other answer than it's an extremely harmful substance. But aside from that, I find that kids will ask the question, well, what is the penalty for possession of marijuana. Now, I've already spent the last ten minutes talking to them about the harmful medical effects, and then you tell them what the penalties are -- they just don't seem to go hand in hand.

I understand -- I was not here this morning -- but I understand it was recommended that marijuana be legalized, decriminalized for personal use in California. There is a bill that was introduced this last year by a member of this committee which did not get out of committee this year, which will be heard the first part of January -- Senate Bill 450 -- which will make possession of marijuana a misdemeanor, will do away with the citation concept. I do not have a great deal of confidence that that bill will get out of committee. But, I think it's a very difficult thing to address the dangers of marijuana and talk about the penalties. One last thing, with regard to cultivation in Southern California, we do have the same legal problems. It's been discussed, you know, how many plants do you have to have before, you know, it's really no different there than what occurs here and what I've heard discussed today. I also agree with most of the other speakers that I don't think we can arrive at a number. The policy of the Los Angeles District Attorney's Office is more so, rather than number, is to whether it is a commercial endeavor, whether there are scales, packaging equipment, that type of thing, as to show that it is, in fact, more of a commercial enterprise. I personally have some

problems with that, also, because there are ways of, devious ways, of getting around that and still be a commercial enterprise. Thank you.

CHAIRMAN KEENE: What if you have a situation where there's enough grown that it could be commercial, but it also might be for personal use? Would you favor allowing the District Attorney to charge as a misdemeanor or a felony? The only ability now is either to charge as a felony or to charge it under the personal, possession for personal use.

SGT. GUY: I would favor that it stay as a felony because in most cases, when it gets through the system, it is ultimately handled as a misdemeanor. If you go the other direction, then you do not have the opportunity, if that individual case presents itself, to go as a felony. We find today very, very seldom, at least in our cases, and

I say ours as opposed to the CAMP-type operation that you see up here, very, very seldom does the prosecution end up as a felony conviction-prison sentence. Seldom, if every, regardless of the quantity.

CHAIRMAN KEENE: Okay. Any questions of Mr. Guy, Sergeant Guy? Thank you very much for your testimony. Elsie Ricklefs. Okay. Anybody else from the Hoopla Valley Business Council who might be here in her place? John Walker, President of the Board of Directors, Mendocino County Chamber of Commerce.

MR. JOHN WALKER: Senator, Assemblyman. Thank you for inviting me today. My report probably is a little bit different, obviously, from the rest of the reports that have been given today, because I have been asked to speak on the economics, how it affects our communities. Does it really affect our communities?

I did not take this subject lightly. I did not want to prejudice my remarks, so I talked to quite a few people. And, we all come

up with the same conclusion -- and, it's very simple. Senator -- there is really no way to put an exact figure or even an estimate on whether it affects your economy or not. And, let me elaborate on that a moment. The marijuana growers, as I have seen them, and I'm in the real estate business, also, so when I heard the remarks about them buying all these big plots of land, I'm wondering where the buyers are. I have two offices, one an office in a town called Willits, and in that office, they handle mostly land. To my knowledge, we have had one person who has said that they wanted to grow pot on a piece of ground, and they wanted to purchase the land. And, in that case, it was \$100,000 -- they made an offer, the agent told them that they knew that was against the law, and they never came back. So, all I'm saying is that, to my knowledge in our total organization, we've never sold a piece of ground to anyone that we know that grew pot on it.

Now, I've gone out on many subdivisions that we have -- Bell Springs area -- these types of areas, and I've seen where people have grown pot, and they've actually grown it on other people's land, they've grown in on our client's land.

Now, that's where the economy enters into it. From my observation, I found that, yes, they bought 150 paper holders to grow the plants in, and they abandon them there. We find where they have purchased somewhere along the line, they have purchased plastic pipe, but we don't know whether they purchased that in our county or not. In my investigation, I couldn't find out who had sold them the pipe or is there any concrete evidence that our economy has been affected by them.

In talking to the Board of Supervisors' Chairman and talking to the Administrator of the County, they both came up with the same con-

clusion -- there is just no way that we know of to know that it has benefited our county dollar-wise from the purchase of materials to grow and cultivate marijuana in our county. We have had some suggestions in our local newspaper that we're the capitol, of course, of the world, and all of these kinds of things, but none of it is really ever supported. And, there are no valid statistics that I could find that said our county is economically affected by the cultivation or the non-cultivation of marijuana.

CHAIRMAN KEENE: Just so I understand clearly, there is an activity that is large and ongoing and commercial, it's bringing in a lot of money, but that money may not stay in the county, it may not be used to purchase things in the county.

MR. WALKER: That's exactly right.

CHAIRMAN KEENE: It does not go into the pockets of people who live in the county. Your suggestion is that the pipeline passes through the county.

MR. WALKER: Exactly right. Exactly right.

CHAIRMAN KEENE: . . . into another place.

MR. WALKER: I'm not saying for one moment, Senator, that, as an example, I went into an old church building where they had grown marijuana in some containers, and there must have been 2,000 plastic pipe connections in there. Obviously, they purchased them somewhere. We don't know whether they purchased them in our county or not. But, from everything that I could gather, no one knows in any area of our county where there have been any substantial purchases or any substantial dollars spent for the cultivation of the marijuana.

CHAIRMAN KEENE: Do you see any evidence in the business community, perhaps the members of the Chamber of Commerce, resistance to strict enforcement on grounds that it will, in a short-term at least, hurt the economy of the area?

MR. WALKER: Absolutely not.

CHAIRMAN KEENE: Any other questions?

MR. WALKER: Thank you for having me.

CHAIRMAN KEENE: Thank you very much. It was an interesting and important point of view.

Bruce Conrad, Deputy State Director, Bureau of Land Management, Department of the Interior.

MR. BRUCE CONRAD: I have submitted formal testimony. As a matter of record, I'd like to be very brief in light of the time.

CHAIRMAN KEENE: We will certainly include this in the record in its entirety.

MR. CONRAD: Thank you. I wanted to briefly give you an overview of BLM's involvement in the marijuana eradication program. I have to admit that BLM had a very shaky start over five years ago -- primarily because BLM is a resource agency, and not dealing very much with law enforcement, and also a lack of knowledge at the Washington office level that there was actually a problem out here and a problem on the public land.

We were dealing, like the Forest Service, as an unauthorized use, like any other unauthorized use. So, therefore, we, a lot of times, would look the other way. It was a problem, but we couldn't identify the problem as a resource agency. While we were looking the other way, we found that over 40%, between the Forest Service and BLM in California, over 40% of the marijuana grown was grown on public lands.

Also, could actual survey crews, resource managers were being turned away, off of the public lands because of marijuana, along with recreationists that are entitled to use the public lands, along with ranchers, miners, timber cutters. Also, we found that the resources were being degraded through the use of chemicals and poisons.

So, in November of '82, we decided enough was enough, and we went to Washington, along with Mr. Helsley with the state, and briefed our director in Washington. At that time, he assigned a task force to develop what we call an action plan, bureau-wide action plan for marijuana eradication. That action plan is broken down into basically three issues: public awareness, user awareness issue; the detection issue; and the enforcement issue.

The public awareness, actually the action plan, is a commitment for management and funding for the eradication of marijuana. Under the public awareness, employee awareness, it outlines guides for training new employees, some are temporaries and also the recreationists using the public lands for marijuana.

The detection issue not only got involved in the detection of marijuana for eradication, but also detection to alert the resource manager where not to send his people. And then the enforcement issue is basically like we're using in CAMP that we feel that through the use of funding and cooperative agreements, that it should be dealt with by the local law enforcement agency.

Through the help of the state drug enforcement administration in the fall of '82, where our highest pressures were -- in the King Range National Conservation area just south of here -- we conducted, with limited funding, six raids. It was late in the fall. We col-

lected numerous plants, nothing compared with the CAMP raids. Then, we did a pre-season raid in the spring, removing over five tons of PCV pipe, Doughboy pools, pumps, chicken wire, out of those areas, and it certainly paid off because when we joined the CAMP Program, there were no marijuana plantations within the King Range this year.

The CAMP Program, which we joined this year, we contributed \$70,000 to. That doesn't seem like an awful lot considering we have over 17 million acres of public land in the state. In addition to that, we provided five federal law enforcement officers and an awful lot of supplies through our fire warehouses.

We got our bang for our buck, we got 8,500 plants off of the public lands, BLM lands. Through 20 years of resource management that I've been in, a lot of fire management, with other agencies, this is the most successful, coordinated effort that I've ever seen. That many law enforcement agencies working as a group on this program, and I thought it was very successful, and we certainly are backing it next year.

CHAIRMAN KEENE: That's interesting. I'd like to underscore that because we have not heard any testimony today about lack of cooperation or commitment coordination among the among the multiplicity of agencies that have an interest in this problem. I think that's a real plus. The effectiveness has yet to be measured over a period of time as the Attorney General indicates, but that certainly is an important point, I think.

MR. CONRAD: We have programmed this next year another \$70,000. In addition to that, we've sent in a supplemental request for \$125,000 through the use of cooperative agreements. Again, we like to place the emphasis on the local law enforcement agencies for the law en-

forcement. And, hopefully, we'll get our supplemental.

CHAIRMAN KEENE: Any questions of Mr. Howard, Mr. Conrad.

Thank you very much. Matt Anderson, representing the California Forest Protective Association.

MR. MATT ANDERSON: Senator Keene, Assemblyman Hauser, I am Matt Anderson, California Forest Protective Association, representing the major industrial owners of commercial forest land in California. Last year, the U.S. Forest Service disclosed incidents on public forest lands, which made it clear that present-day marijuana growers no longer fit the accepted good-old-boy description.

The unsettling reports of criminal activities associated with marijuana cultivation on public lands prompted us to survey our members to find out if similar activities were taking place on private forest lands as well. The survey covered the 12-month period from August 1981 to August 1982, which we figure took in two growing seasons. 26 companies, with total holdings of well over three million acres, responded. All but six of the companies reported direct or indirect knowledge of marijuana cultivation on company lands. Company personnel found a total of 63 marijuana plantations on their lands during the reporting period, with an estimated total of 3,300 plants. Seven companies reported acts of sabotage against the company or destruction of company equipment and property. Employees and contractors of six companies received threats of violence or reprisals from suspected marijuana growers. Trees were cut down to provide marijuana growing sites. Foresters and logging crews have been threatened with violence if nearby marijuana crops were disturbed. We see this as a form of extortion to get the company employees to protect the crop. Concern

was expressed by all companies for the safety of employees who encounter marijuana growers. Foresters are fearful of being shot or triggering booby traps.

The companies responding to the CFPAs survey identified herbicide spraying as the primary target of protest which could be associated with marijuana cultivation in or near company operating areas. In some cases, persons known to be growers were identified participants in herbicide confrontations. Road building, logging and slash burning activities near marijuana growing sites also came under attack. In at least one instance, a company totally adjusted its logging plans in order to avoid marijuana sites.

In the way of a follow-up to our 1982 survey, one of the major timber companies in Humboldt County reports that the number of marijuana plantations found this year on company land was about the same as last year. However, the plantations are now smaller and more difficult to find. This particular company spent about 56 man days this year on marijuana-related activities, including time for court appearances as the result of eight arrests on company land. Incidentally, a company spokesman told me that records which he found at the larger plantations discovered on that company's land this year reveal that the brains behind these operations are located in Southern California.

CAMP has shown that an effective eradication program can be launched when there is close cooperation between enforcement agencies and when the necessary resources are available. The forest products industry supports the continuation and expansion of CAMP. We suggest that drug enforcement officials consider intensifying their eradication program by including raids at times other than the highly popularized marijuana harvesting season. Forays during the early part

of the growing season for the purpose of confiscating the equipment necessary to produce the crop, such as irrigation systems, could literally "nip the problem in the bud."

The timber industry in Humboldt County this year, along with other private forest land owners, issued blanket permission to law enforcement agencies to enter their land for the purpose of confiscating marijuana and other contraband. This eliminated the need for the issuance of individual search warrants. The system worked well in Humboldt County; we encourage other local jurisdictions to consider a similar procedure, and I can assure you that the timber industry will cooperate fully. Thank you for the opportunity to appear today.

CHAIRMAN KEENE: One question before you leave, Matt. One of the chief problems that they're having is the dedication of fiscal resources, public fiscal resources to this problem. I'm not going to ask you directly whether the major timber companies who would be, to some extent, beneficiaries, direct beneficiaries of a successful program would contribute, but it would certainly be great if you would help, both in Washington and in Sacramento, help us lobby for funds for this program because there's a lot of lip service paid to drug abuse and to eradicating marijuana cultivation directly, but the resources aren't there. People find other places to spend this money, so, if you would add that to your legislative agenda, both here and in Washington, I think it would be very helpful.

MR. ANDERSON: I think we would be happy to add consideration to that.

CHAIRMAN KEENE: Assemblyman Hauser.

ASSEMBLYMAN HAUSER: One of the things, in developing the statistics and figures that you have, has any thought been given to long-range damage to privately owned lands. You mentioned certain tree cutting may have occurred, or increased erosion, et cetera. Have any statistics been developed as far as long-range damage to privately owned timber land?

MR. ANDERSON: We have not developed any statistics of that type, and I'm not aware of anybody else that has. I think that in order to get that type of a picture, we would have to first assume that these practices are going to continue for quite a long period of time, and I guess, we're just not willing to admit to that assumption. We want to stop it now.

ASSEMBLYMAN HAUSER: Do you have any idea -- you mentioned the plantations -- do you have any idea how many acres are tied up, even on a short-term basis?

MR. ANDERSON: We attempted to get that figure, but the nature of the plantations that we find are such that you really can't get an accurate acreage picture -- they're scattered -- more so now, even, than they were a year ago, and I'm sure that Steve and others can attest to this that it used to be that you could find a patch of marijuana, which was a definite size, and usually fairly good sized. Now, they're becoming scattered. They're almost individual plants scattered. They're almost individual plants scattered over quite an area, and so, it's really not too accurate to put an acreage figure on something like that.

CHAIRMAN KEENE: Thank you very much. Melvin Berning, the Humboldt County Grand Jury Foreman.

We're lacking a speaker system, so when you joining us, please project.

MR. MELVIN BERNING: Okay. I would like to read the statement that we sent you, Senator. I'll make it very short and brief.

The 1983-84 Humboldt County Grand Jury unanimously supports all efforts for the control of marijuana in the Humboldt County area including the recent CAMP Program. The 1982-83 Grand Jury was vitally interested in controlling: 1) the illegal cultivation of marijuana within the county; 2) the increase in violent crimes related to the illegal cultivation of marijuana within the county; 3) the ready accessibility of marijuana to our youth; and 4) prosecution of persons apprehended for alleged cultivation of marijuana.

The present Grand Jury continues the concerns of the previous Grand Jury and would like to recommend that the CAMP Program be expanded in the future and that additional funds be made available for the prosecution of those apprehended in the illegal cultivation and distribution of marijuana in Humboldt County.

In order to add to what has been said, we believe that the key statement here is additional funds be made available for the prosecution of those apprehended in the illegal cultivation and distribution of marijuana in Humboldt County. That's the end.

CHAIRMAN KEENE: Thank you. Any questions?

ASSEMBLYMAN HAUSER: Well, I think the District Attorney and others have adequately outlined the same concerns. Thank you.

CHAIRMAN KEENE: Thank you very much. Are there any other people that would care to testify on this particular subject before we recess the committee?

Just one word in closing -- several years ago, out of concern about the problem, I attracted alot of controversial attention to both the problem and myself by suggesting that we either ought to get off the dime and try to eradicate marijuana and prevent its cultivation or we ought to legalize it, tax it, and regulate it. And, naturally, it was the second that got emphasized and I'm happy to see that I'm still in office and that we are getting off the dime and attempting to eradicate it. Thank you very much.

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APPENDICES

PREPARED STATEMENT OF
S. C. HELSLEY
CHIEF, BUREAU OF NARCOTIC ENFORCEMENT
CALIFORNIA DEPARTMENT OF JUSTICE

FOR THE
CALIFORNIA SENATE
JUDICIARY COMMITTEE
SUBJECT - MARIJUANA CULTIVATION

EUREKA, CALIFORNIA
NOVEMBER 29, 1983

CAMPAIGN AGAINST MARIJUANA PLANTING (CAMP) 1983

MARIJUANA IS ONE OF THE MOST FREQUENTLY ABUSED DRUGS IN THE UNITED STATES. THE CULTIVATION OF CANNABIS AND SMUGGLING OF MARIJUANA ARE ILLICIT INDUSTRIES WHICH EXCEED AN ESTIMATED \$20 BILLION ANNUALLY IN THE UNITED STATES. THIS UNTAXED AND UNREGULATED FLOW OF CASH FORMS A FINANCIAL BASE FOR NUMEROUS OTHER CRIMINAL ENTERPRISES. VIOLENT CRIME IS ALSO OFTEN ASSOCIATED WITH SUCH HUGE SUMS OF CASH. THE TAKEOVER OF LEGITIMATE BUSINESSES AND THE CORRUPTION OF PUBLIC OFFICIALS ARE HISTORICALLY TWO USES OF UNDERWORLD CASH.

TRADITIONALLY, MEXICO AND COLOMBIA HAVE BEEN THE SOURCES OF MARIJUANA. HOWEVER, IN RECENT YEARS, DOMESTIC COMMERCIAL CANNABIS CULTIVATION HAS SUPPLIED AN INCREASING AMOUNT OF THE MARKET DEMAND. NEW GROWING TECHNIQUES USED BY THE DOMESTIC GROWERS HAVE RESULTED IN A SEEDLESS STRAIN OF MARIJUANA KNOWN AS SINSEMILLA. THE NEW TECHNIQUE OF FORCED GROWTH BY PREVENTING THE POLLINATION OF THE FEMALE PLANT PRODUCES A VERY HIGH THC CONTENT EXCEEDING THAT OF HASHISH AND APPROACHING THAT OF HASHISH OIL. A SINGLE MATURE PLANT WHICH HAS BEEN PROPERLY CULTIVATED TO A HEIGHT OF 14' TO 16' WILL YIELD ONE TO TWO POUNDS OF SALEABLE MATERIAL. BECAUSE OF ITS GREAT POTENCY AND AVAILABILITY, SINSEMILLA/MARIJUANA HAS BECOME HIGHLY SOUGHT AFTER AND COMMANDS A PREMIUM PRICE OF ALMOST \$2,000 A POUND.

THE CALIFORNIA ATTORNEY GENERAL'S BUREAU OF NARCOTIC ENFORCEMENT (BNE) FIRST BECAME AWARE OF THIS NEW DOMESTIC MARIJUANA INDUSTRY

IN LATE 1977 AND IN 1979, OBTAINED A FEDERAL GRANT TO HELP THE SHERIFFS OF MENDOCINO, HUMBOLDT, DEL NORTE, AND LAKE COUNTIES ADDRESS THEIR PROBLEM. THE GRANT WAS DESIGNED TO FUND OVERTIME AND TRAVEL EXPENSES FOR SHERIFFS' OFFICERS AND TO EXPLORE THE USE OF AERIAL SURVEILLANCE TO SPOT ILLEGAL CULTIVATION SITES. BNE IN CONJUNCTION WITH THE U. S. DRUG ENFORCEMENT ADMINISTRATION (DEA), DEVELOPED TRAINING COURSES TO PROVIDE THE LOCAL OFFICIALS WITH THE NECESSARY EXPERTISE AS SHERIFFS' DEPARTMENTS WOULD BEAR THE MAJORITY OF THE BURDEN FOR CROP IDENTIFICATION AND ERADICATION.

COMMERICAL CANNABIS CULTIVATION GENERALLY OCCURS IN THE MORE REMOTE AREAS OF THE STATE AND GROWERS GO TO GREAT LENGTHS TO CAMOUFLAGE THEIR CROPS THROUGH THE USE OF GREENHOUSES, CAMOUFLAGE NETS AND OTHER TECHNIQUES. MOST CROPS ARE SIGHTED THROUGH THE USE OF SMALL AIRCRAFT AND ARE SEIZED BY LOCAL AUTHORITIES UNDER THE AUTHORITY OF A SEARCH WARRANT. THE TERRAIN, THE BULK OF THE CROPS, AND THE TIME CONSUMING INVESTIGATIVE TECHNIQUES REQUIRED, PLACE A TREMENDOUS DEMAND ON THE RESOURCES OF THE SHERIFFS' DEPARTMENTS AND CALL FOR CLOSE COORDINATION OF LOCAL, STATE AND FEDERAL EFFORTS. THUS, THE BUREAU OF NARCOTIC ENFORCEMENT'S PROPER ROLE IS TO COORDINATE THIS MULTI-LEVEL AGENCY EFFORT AND PROVIDE TRAINING, AERIAL SUPPORT, AND A LIMITED AMOUNT OF ON-SITE ERADICATION COORDINATION.

IN 1979, LAW ENFORCEMENT AGENCIES PARTICIPATING IN THE PROGRAM IDENTIFIED SOME 868 SITES WHERE CANNABIS WAS BEING COMMERCIALY

CULTIVATED. OF THESE, IT WAS POSSIBLE TO PHYSICALLY INSPECT AND DESTROY ONLY 254 SITES DUE TO LIMITATIONS OF AVAILABLE RESOURCES, ESPECIALLY MANPOWER. NONETHELESS, THESE 254 FIELDS YIELDED NEARLY 30,000 MARIJUANA PLANTS WITH A TOTAL WEIGHT IN EXCESS OF 52,000 POUNDS--26 TONS!

BNE AGENTS ALSO CONDUCTED PUBLIC SEMINARS TO ENHANCE AWARENESS CONCERNING THE EXTENT AND SERIOUSNESS OF THE PROBLEM. TRAINING MATERIALS WERE DEVELOPED AND DISSEMINATED TO POLICE AGENCIES AND DATA COLLECTION PROCEDURES INSTITUTED SO THAT THE DIMENSIONS OF THE PROBLEM COULD BE IDENTIFIED. REPRESENTATIVES OF NORML (NATIONAL ORGANIZATION FOR THE REFORM OF MARIJUANA LAWS) WERE UNPLEASANTLY SURPRISED BY THE SPEED AND EXTENT OF LAW ENFORCEMENT'S RESPONSE TO THIS NEW "INDUSTRY".

AT THE CLOSE OF 1979 AS PLANS WERE BEING FORMULATED FOR 1980, THE CLANDESTINE GROWING OF CANNABIS WAS FOUND TO HAVE SPREAD FROM THE NORTHWEST COASTAL AREA TO ALMOST ALL AREAS OF THE STATE. THE PRESSURES OF THE SUCCESSFUL 1978 AND 1979 PROGRAMS CONTRIBUTED TO THIS DECENTRALIZATION OF THE MARIJUANA/SINSEMILLA INDUSTRY. IN TOTAL, CULTIVATION WAS REPORTED IN AT LEAST 20 COUNTIES FROM SHASTA AND TRINITY TO MARIN AND MONTEREY TO SAN BERNARDINO AND SAN DIEGO--LITERALLY FROM BORDER TO BORDER.

IN 1980, BNE MET WITH SHERIFFS TO PLAN FOR AN EXPANDED OPERATION. TWO 2-WEEK SINSEMILLA OBSERVERS SCHOOLS WERE ARRANGED TO MEET

LOCAL LAW ENFORCEMENT NEEDS. BNE PURCHASED SPECIALIZED EQUIPMENT SUCH AS 4-WHEEL DRIVE TRUCKS AND CHAIN SAWS TO SUPPORT LOCAL EFFORTS. ADDITIONAL DEA AGENTS WERE COMMITTED TO SEIZE, UNDER FEDERAL LAW, ASSETS DEVELOPED FROM ILLEGAL CULTIVATION. BOTH DEA AND BNE COMMITTED AIRPLANES TO THE OPERATION FOR THE USE OF LIGHT AIRCRAFT TO SPOT CROPS HAD PROVEN TO BE THE MOST EFFECTIVE TECHNIQUE. THE WESTERN STATES INFORMATION NETWORK (WSIN) AND BNE WORKED TO DEVELOP MORE SOPHISTICATED DATA COLLECTION PROCEDURES TO FURTHER REFINE LAW ENFORCEMENT'S UNDERSTANDING OF THE EXPANDING PROBLEM.

BY THE END OF THE 1980 CROP YEAR, 43 COUNTIES HAD REPORTED SEIZURES OF 156,000 PLANTS, ALMOST 150 TONS, AND THE ARREST OF OVER 1,000 SUSPECTS. INQUIRIES FROM OTHER STATES BECAME COMMON AS LAW ENFORCEMENT PRESSURE IN CALIFORNIA AND USER DEMAND MOVED AT LEAST SOME OF THE PROBLEM TO OTHER PARTS OF THE NATION. BNE IN CONJUNCTION WITH WSIN AND THE STATE DRUG ENFORCEMENT ALLIANCE (SDEA) (A GROUP OF 33 STATE-LEVEL NARCOTIC ENFORCEMENT AGENCIES FROM CALIFORNIA TO FLORIDA TO MAINE) BEGAN TO DISSEMINATE TRAINING MATERIALS AND INTELLIGENCE INFORMATION TO AREAS WHERE THE PROBLEM WAS MIGRATING. MEDIA INTEREST BECAME INTENSE AS BALLOT INITIATIVE EFFORTS (TO REFORM THE MARIJUANA LAWS) BEGAN AND PUBLIC OFFICIALS (MANY OF WHOM WERE UNINFORMED) SPECULATED ON THE SIZE AND FINANCIAL IMPORTANCE OF THE MARIJUANA CROP TO LOCAL ECONOMIES.

CONCURRENTLY, WITH 1980'S EXPANDED ENFORCEMENT EFFORTS, PUBLIC CONCERN GREW AS DID THE BODY OF SCIENTIFIC DATA CONCERNING THE

SERIOUSNESS OF HEALTH PROBLEMS ASSOCIATED WITH MARIJUANA ABUSE. AN INITIATIVE TO DECRIMINALIZE CALIFORNIA'S MARIJUANA LAWS FAILED TO QUALIFY FOR THE BALLOT FOR THE TENTH TIME AND BY OVER 73,000 SIGNATURES. CITY COUNCILS, BOARDS OF SUPERVISORS, AND STATE LEGISLATURES BEGAN CRACKING DOWN ON BUSINESSES ENGAGED IN THE TRAFFICKING OF DRUG PARAPHERNALIA. THE MESSAGE WAS CLEAR THAT THE DRUG LAWS SHOULD BE VIGOROUSLY ENFORCED.

EARLY IN 1981, BNE ONCE AGAIN BEGAN COORDINATION WITH DEA AND SHERIFFS' DEPARTMENTS FOR A GREATLY EXPANDED EFFORT. BASED ON PRELIMINARY INTELLIGENCE INFORMATION, SEIZURES OF TWO- TO THREEFOLD OVER 1980 WERE EXPECTED. TWO MORE 2-WEEK SINSEMILLA OBSERVERS SCHOOLS WERE SCHEDULED TO TRAIN ADDITIONAL OFFICERS. EVIDENCE THAT DOMESTIC MARIJUANA CULTIVATION WAS QUICKLY BECOMING A NATIONAL PROBLEM WAS EMPHASIZED WHEN THE STATE NARCOTIC AGENCIES OF TEXAS, ARIZONA, MISSISSIPPI, AND LOUISIANA REQUESTED PLACES FOR THEIR AGENTS IN THE SINSEMILLA OBSERVERS SCHOOL. IN MAY, BNE WAS ASKED TO CONDUCT A BRIEFING IN NASHVILLE, TENNESSEE, FOR CHIEFS OF MAJOR U. S. POLICE DEPARTMENTS CONCERNING DOMESTIC CANNABIS CULTIVATION. IN JUNE, AT THE REQUEST OF DEA, A BNE AGENT WAS DISPATCHED TO FLORIDA TO HELP STATE AND FEDERAL AUTHORITIES ASSESS FLORIDA'S PROBLEM AND DEVELOP A TRAINING PROGRAM. TO ENSURE A COORDINATED EFFORT BETWEEN LAW ENFORCEMENT OFFICIALS AND DISTRICT ATTORNEYS' OFFICES, BNE, DEA AND THE ATTORNEY GENERAL'S SPECIAL PROSECUTIONS UNIT (SPU) CONDUCTED A TRAINING SEMINAR FOR PROSECUTING ATTORNEYS FROM 20 COUNTIES CONCERNING THE SPECIALIZED PROBLEMS INVOLVED WITH MARIJUANA ERADICATION CASES.

LATER IN 1982 IN COOPERATION WITH WSIN, TRAINING SEMINARS WERE CONDUCTED FOR IDAHO, WASHINGTON, AND CANADIAN LAW ENFORCEMENT AGENCIES. BNE CONTINUED TO CONDUCT NUMEROUS PUBLIC PRESENTATIONS CONCERNING THE PROBLEM AND COMMITTEED MORE RESOURCES TO ERADICATION EFFORTS. AERIAL SUPPORT FOR TWO BNE AND THREE DEA PILOTS PROVIDED THE INFORMATION BY WHICH A LARGE PERCENTAGE OF 1981 SEIZURES WERE MADE. ADDITIONALLY, THE UNITED STATES CUSTOMS SERVICE PROVIDED HELICOPTER SUPPORT WHICH ALLOWED A SAFER AND MORE COST-EFFECTIVE ACCESS TO LARGE CROPS IN THE MORE INACCESSIBLE AREAS OF CALIFORNIA'S CENTRAL COAST. PREDICTED MASSIVE INCREASES IN SEIZURES FAILED TO MATERIALIZE. REPORTS FROM 53 COUNTIES ON GROSS TONNAGE SEIZED SHOWED AN INCREASE OF 4%, FROM 105 TO 109, AND THE TOTAL NUMBER OF PLANTS SEIZED INCREASED 12%, FROM 156,000 TO 175,000.

DURING THE 1982 CROP YEAR, THE BUREAU OF NARCOTIC ENFORCEMENT ASSIGNED 10 SPECIAL AGENTS AND TWO AIRCRAFT TO SUPPORT THE EFFORTS OF THE SHERIFFS' DEPARTMENTS. THESE AGENTS ARE EQUIPPED WITH 4-WHEEL DRIVE VEHICLES, CHAIN SAWS AND OTHER EQUIPMENT REQUIRED TO MANUALLY ERADICATE CROPS. ONE OBSERVERS SCHOOL AND ONE PROSECUTORS SEMINAR WERE CONDUCTED. THESE SCHOOLS WERE ONCE AGAIN SPONSORED JOINTLY BY BNE AND DEA.

BY THE END OF THE 1982 CROP YEAR, REPRESENTATIVES FROM 37 CALIFORNIA SHERIFFS' DEPARTMENTS HAD BEEN TRAINED IN AERIAL OBSERVATION AND ON-SITE CROP ERADICATION TECHNIQUES.

DURING JUNE 1982, BNE SENT AN AGENT TO THE FEDERAL TRAINING CENTER AT GLYNCO, GEORGIA, TO HELP DEVELOP A REGIONAL TRAINING COURSE FOR LAW ENFORCEMENT AGENCIES IN THE SOUTHEAST UNITED STATES. ADDITIONALLY, THE WESTERN STATES INFORMATION NETWORK BECAME THE SOLE COLLECTOR OF SEIZURE DATA. WSIN ALSO CONTINUED TO SUPPORT THE EFFORTS OF LAW ENFORCEMENT AGENCIES THROUGH INTELLIGENCE GATHERING, DISSEMINATION, AND DEVELOPING GRAPHIC PRESENTATIONS FOR DISPLAY DURING TRIALS.

A SIGNIFICANT CHANGE OCCURRED IN THE OVERALL EFFORT WITH THE INVOLVEMENT OF THE UNITED STATES FOREST SERVICE (USFS) AND THE BUREAU OF LAND MANAGEMENT (BLM) RESOURCE MANAGEMENT AGENCIES. ADDITIONAL FUNDING AND A NEW PERSPECTIVE--THAT OF THE DAMAGE TO THE ENVIRONMENT FROM ILLICIT CULTIVATION ACTIVITIES--WAS GAINED.

THE 1982 EFFORT WAS A QUALIFIED SUCCESS. WHILE THE NUMBER OF CROPS SEIZED ROSE FROM 1,040 IN 1981 TO 1,152 IN 1982, THE TOTAL NUMBER OF PLANTS SEIZED DROPPED TO 90,367. NEW ASPECTS TO THE CANNABIS CULTIVATION PROBLEM ALSO BECAME APPARENT. FIRST, IN THAT REPORTING OF CROP SEIZURES BY SHERIFFS' DEPARTMENTS IS VOLUNTARY, IT IS VERY DIFFICULT TO MEASURE THE REPRESENTATIVENESS OF STATISTICS. MORE IMPORTANT THOUGH, AS MORE AGENCIES BECAME INVOLVED IN THE PROGRAM, COORDINATION OF EFFORTS WAS MORE DIFFICULT. BASED ON THE FOUR-YEARS EXPERIENCE, BNE FELT THAT

A NEW APPROACH WAS NECESSARY BECAUSE THE OVERALL EFFORT WAS NOT AS EFFICIENT OR EFFECTIVE AS IT COULD BE. THE KEY REASONS WERE:

- REGARDLESS OF THE AMOUNT OF FINANCIAL SUPPORT, MOST SHERIFFS' DEPARTMENTS IN HIGH DENSITY CULTIVATION AREAS LACK SUFFICIENT STAFF TO ALLOW DIVERSION OF THEIR FULL-TIME STAFF TO ERADICATION FUNCTIONS AND STILL CARRY OUT ESSENTIAL POLICING OPERATIONS.
- THE LACK OF COORDINATION OF THOSE SPECIALIZED RESOURCES WHICH ARE NECESSARY FOR AN EFFECTIVE ERADICATION EFFORT; I.E., FIXED-WING AIRCRAFT, HELICOPTERS WITH SUPPORT EQUIPMENT, TRAINED OBSERVERS, AND CROP DESTRUCTION METHODS AND FACILITIES.

IN SEPTEMBER 1982, BNE APPROACHED DEA AND REQUESTED A \$25,000 GRANT TO TEST A NEW APPROACH. RESERVE SHERIFF DEPUTIES AND MINIMUM WAGE WORK CREWS WOULD BE USED ON RAIDS TO REPLACE HIGHER PAID, FULL-TIME SHERIFFS' DEPUTIES. STRIKE TEAMS WOULD BE FORMED AND RAID ON A REGIONAL BASIS INSTEAD OF STOPPING AT COUNTY LINES.

THE DEA GRANT WAS OBTAINED IN LATE SEPTEMBER. THE LATENESS OF THE PLANNING PRECLUDED ACCESSING STATE OR FEDERAL WORK CREWS BUT BNE WAS ABLE TO HIRE AS TEMPORARY STATE EMPLOYEES, RESERVES FROM THREE DIFFERENT NORTHERN CALIFORNIA SHERIFFS' DEPARTMENTS. THE ENFORCEMENT OPERATIONS SPONSORED BY DEA FUNDS WERE CONDUCTED

BETWEEN OCTOBER 11 AND OCTOBER 20, 1982 UNDER THE SUPERVISION OF BNE SPECIAL AGENTS.

DURING THE TEN DAYS OF RAIDING IN DEL NORTE AND HUMBOLDT COUNTIES, 15 RAIDS WERE CONDUCTED WHICH RESULTED IN NINE ARRESTS, THE SEIZURE OF 2,227 PLANTS (7,144 POUNDS) AND 1,186 POUNDS OF DRIED AND PROCESSED MARIJUANA. BASED ON THIS EXPERIENCE, THE REGIONALIZED STRIKE FORCE APPROACH SEEMED VIABLE.

IN MARCH 1983, BNE AT THE DIRECTION OF THE ATTORNEY GENERAL, INVITED THE PRINCIPAL STATE AND FEDERAL AGENCIES TO MEET AND PLAN A UNIFIED PROGRAM. THOSE AGENCIES WERE THE BUREAU OF LAND MANAGEMENT, UNITED STATES FOREST SERVICE, DRUG ENFORCEMENT ADMINISTRATION, AND THE CALIFORNIA BUREAU OF NARCOTIC ENFORCEMENT, OFFICE OF EMERGENCY SERVICES, AND DEPARTMENT OF FORESTRY. THE WESTERN STATES INFORMATION NETWORK IDENTIFIED THE HIGH DENSITY GROWING AREAS IN CALIFORNIA SO THAT A REGIONALIZED APPROACH COULD BE DEVELOPED.

AS THE PROGRAM TOOK SHAPE, ADDITIONAL AGENCIES BECAME INVOLVED-- THE UNITED STATES MARSHAL'S OFFICE, U. S. CUSTOMS SERVICE, CALIFORNIA NATIONAL GUARD, AND CALIFORNIA HIGHWAY PATROL. WHEN THE PROGRAM WAS FINALIZED, IT WAS PRESENTED TO AND APPROVED BY 14 SHERIFFS IN FOUR REGIONS.

THE APPROACH WAS TO PROVIDE THE GOVERNMENTAL RESPONSE NECESSARY TO CONTROL THE ILLEGAL GROWING OF CANNABIS IN CALIFORNIA. FEDERAL,

STATE AND LOCAL RESOURCES HAD TO BE BROUGHT TO BEAR ON THE PROBLEM THROUGH THE CONCEPT OF MUTUAL AID. DUE TO THE SCOPE OF THE EFFORT REQUIRED, THESE RESOURCES HAD TO BE PROVIDED, IN SOME CASES, BY AGENCIES NOT NORMALLY INVOLVED IN SUCH ACTIVITIES. THE VERY NUMBER AND DIVERSITY OF THE AGENCIES POSSESSING THE NEEDED RESOURCES DICTATE THAT THEY BE BROUGHT TOGETHER IN A HIGHLY STRUCTURED, COORDINATED MANNER.

TO PROVIDE THE VEHICLE FOR THE FOCUSING OF MULTI-LEVEL, MULTI-AGENCY RESOURCES ON THE PROBLEM, A JOINTLY OPERATED LOCAL-STATE-FEDERAL ORGANIZATION WAS CONCEIVED AND TITLED THE "CAMPAIGN AGAINST MARIJUANA PLANTING" AND IS REFERRED TO BY THE ACRONYM "CAMP".

THE OBJECTIVES DEVELOPED FOR CAMP WERE TO:

- REDUCE THE AVAILABILITY OF MARIJUANA IN THE STATE OF CALIFORNIA THROUGH THE ERADICATION OF ILLEGALLY CULTIVATED PLANTS.
- ARREST AND PROSECUTE THOSE WHO CULTIVATE AND TRAFFIC IN THAT DRUG.
- SEIZE AND FORFEIT ASSETS AND PROCEEDS DERIVED FROM THE CULTIVATION OF CANNABIS AND THE TRAFFICKING OF MARIJUANA.
- DETERMINE THE EXTENT OF CANNABIS CULTIVATION THROUGHOUT CALIFORNIA ON PUBLIC AND PRIVATE LANDS.
- PROMOTE THE SAFE USE OF PUBLIC AND PRIVATE LANDS BY THE REMOVAL OF LAWLESS ELEMENTS WHO ILLEGALLY USE THOSE LANDS TO CULTIVATE CANNABIS.

- REDUCE ASSOCIATED CRIMINAL ACTIVITY IN AREAS WHERE CANNABIS CULTIVATION OCCURS.
- REDUCE THE ENVIRONMENTAL IMPACT ON PUBLIC LANDS CAUSED THROUGH THE UNCONTROLLED INTRODUCTION OF SUBSTANCES HARMFUL TO THE ENVIORNMENT BY ILLEGAL CANNABIS CULTIVATION.
- DETER POTENTIAL CANNABIS CULTIVATORS.
- DEVELOP A PUBLIC AWARENESS AND CRIME PREVENTION PROGRAM TO INFORM THE PUBLIC OF THE INHERENT DANGERS ASSOCIATED WITH THE CULTIVATION OF CANNABIS AND THE TRAFFICKING OF MARIJUANA.
- EVALUATE AT THE END OF THE GROWING SEASON, THE TASK FORCE'S EFFECTIVENESS AT ACCOMPLISHING THESE OBJECTIVES.

THE MEMBER AGENCIES OF CAMP DEVELOPED A STATEWIDE APPROACH TO CALIFORNIA'S CANNABIS CULTIVATION PROBLEM. HIGH ALTITUDE AIRCRAFT WERE UTILIZED TO MAP THE STATE THROUGH SOPHISTICATED AERIAL PHOTOGRAPHY, AND IDENTIFY THE EXTENT OF GROWTH AND CULTIVATION OF MARIJUANA THAT EXISTS. THE ENFORCEMENT ASPECTS OF THE PROGRAM BEGAN ON AUGUST 15, 1983 TO ENHANCE THE NORMAL EFFORTS OF SHERIFFS' DEPARTMENTS. HELICOPTER SUPPORT WAS RECEIVED FROM THE U. S. CUSTOMS, THE FBI, AND THE CALIFORNIA NATIONAL GUARD. THE FOUR REGIONAL RAID TEAMS BEGAN SIMULTANEOUS ENFORCEMENT/ERADICATION ACTIVITIES THAT CONTINUED INTENSIVELY FOR TEN CONSECUTIVE WEEKS ENDING OCTOBER 19, 1983.

KEY TO CAMP OPERATIONS WERE THE USE OF FIXED-WING, LOW ALTITUDE AIRCRAFT TO SPOT CANNABIS CULTIVATION/GARDENS THROUGHOUT THE 14

PARTICIPATING COUNTRIES. WITH THE TARGETS IDENTIFIED THROUGH FIXED COORDINATES AND AERIAL PHOTOGRAPHY, SEARCH WARRANTS WERE OBTAINED AND RESOURCE COORDINATION WAS PROVIDED BY THE "INCIDENT COMMAND" SYSTEM AT CAMP HEADQUARTERS. CAMP RAID TEAMS THEN MOVED ON TARGETS. AN EXAMPLE OF THE EFFECTIVENESS OF THIS YEAR'S PROGRAM WAS EXEMPLIFIED BY THE RAIDS CONDUCTED IN SOUTHERN HUMBOLDT COUNTY WHERE CAMP RAID TEAMS NETTED OVER TEN TONS OF SINSEMILLA (1,800 PLANTS) IN A SINGLE DAY'S RAID ACTIVITIES FOR A NEW "DAY RECORD". THIS WAS MADE POSSIBLE BY THE USE OF TWO RAID TEAMS UTILIZING U. S. CUSTOMS AND CALIFORNIA NATIONAL GUARD HELICOPTERS.

UH1 (HUEYS) HELICOPTERS WERE UTILIZED TO PROVIDE AIR TRANSPORT FOR STRIKE TEAMS TO REMOTE AND ISOLATED MARIJUANA GARDENS REDUCING GROUND TRAVEL TIME. THE HUEYS WERE FURTHER UTILIZED TO "SLING LOAD" THE PLANTS SEIZED TO A BURN SITE FOR DESTRUCTION. THE LARGE NETS SUSPENDED BY STEEL CABLE FROM THE HELICOPTERS HANDLED OVER A HALF-TON OF PLANTS IN A SINGLE LOAD. DESTRUCTION OR "BURNING" TOOK PLACE ON THE GROUND AT LANDING ZONES, AT LUMBER COMPANY BURNERS, AND IN A PORTABLE "BURN MACHINE" THAT WAS TOWED TO ON-SITE LOCATIONS WHEREVER POSSIBLE. THE HELICOPTERS AND "SLING LOADING" TECHNIQUES ALSO PROVED VALUABLE IN REMOVING DEBRIS ASSOCIATED WITH GROWING/CULTIVATION ON PUBLIC LANDS. CAMP TEAMS WERE SUPPORTED BY MORE THAN 600 HELICOPTER "BLADE HOURS".

OVER THE TEN WEEK EFFORT, "CAMP 1983" BECAME THE LARGEST MARIJUANA ERADICATION PROGRAM IN THE HISTORY OF THE STATE OF CALIFORNIA WITH

THE DESTRUCTION OF A TOTAL OF \$130 MILLION WORTH OF MARIJUANA WEIGHING 215,384 POUNDS AND THE ARREST OF 78 PERSONS WITH WARRANTS PENDING FOR APPROXIMATELY 50 MORE. THE 1983 CAMP PROGRAM CONCENTRATED THE USE OF FEDERAL, STATE, AND LOCAL LAW ENFORCEMENT RESOURCES AND TECHNOLOGY IN 14 NORTHERN CALIFORNIA COUNTIES TO SEIZE AND DESTROY LARGE-SCALE PLANTINGS OF MARIJUANA DURING THE HEIGHT OF THE MARIJUANA GROWING SEASON--RESULTING IN THE RAIDING OF 524 SITES IN THE 14 COUNTIES--RESULTING IN THE DESTRUCTION OF 64,579 PLANTS.

THE LARGEST SINGLE MARIJUANA ERADICATION EFFORT ON RECORD IN CALIFORNIA OCCURRED IN A GLENN COUNTY CORNFIELD WHERE LOCAL AUTHORITIES SEIZED MORE THAN 60,000 PLANTS VALUED AT NEARLY \$50 MILLION AND ARRESTED THREE PERSONS. CAMP OFFICIALS ASSISTED IN THE DESTRUCTION OF THE PLANTS. THIS SEIZURE WAS NOT COUNTED IN CAMP'S FINAL TALLY SINCE GLENN COUNTY WAS NOT ONE OF THE 14 COUNTY PARTICIPANTS.

THE RAID TEAMS' WORK WAS NOT EASY FOR IT WAS TEDIOUS, HOT, AND TAXING. THE DAYS WERE SOMETIMES 20 HOURS LONG WITH 5:00 A.M. BRIEFINGS AND BURNING/DESTRUCTION AS LATE AS 11:00 P.M. THE RAID TEAMS CONSISTED OF FEDERAL AGENTS FROM MULTIPLE FEDERAL AGENCIES, STATE AGENTS, PAID PEACE OFFICER RESERVES FROM MULTIPLE COUNTIES, PEACE OFFICER VOLUNTEERS FROM SOUTHERN CALIFORNIA, AND THE LOCAL DEPUTIES FROM THE PARTICIPATING COUNTIES IN CAMP.

ONE OF OUR MAJOR CONCERNS WAS THE LEVEL OF VIOLENCE AND LAWLESSNESS IN THESE COUNTIES AS A RESULT OF THE MARIJUANA HARVEST. ALTHOUGH

THERE WERE INSTANCES WHEN CAMP PERSONNEL WERE FIRED UPON, NO SHOT WAS FIRED BY ANY CAMP OFFICERS. CAMP PERSONNEL ENCOUNTERED THE USUAL ASSORTMENT OF THE SO-CALLED "BOOBY TRAPS"--DANGEROUS DEVICES USED TO DETER INTRUDERS FROM THE ILLEGAL CROPS. MANY OF THESE WERE DESIGNED TO "KILL" AS EXEMPLIFIED BY THE 12-GAUGE SHOTGUNS SEIZED IN A CAMP RAID WHERE TRIP WIRES WERE HOOKED TO THE TRIGGERS AND POINTED AT THE TRAIL. THE USE OF CAUSTIC CHEMICALS IN A CAN SUSPENDED OVER THE TRAIL HOOKED TO TRIP WIRES ALSO EXEMPLIFIED THE STEPS TAKEN TO HEED POSTED WARNINGS ON BULLET RIDDEN SILHOUETTE TARGETS AND WOODEN SIGNS WARNING/THREATENING MORTAL HARM TO INTRUDERS AND LAW ENFORCEMENT OFFICERS.

A NEEDED FUNCTION INCLUDED IN THIS YEAR'S PROGRAM WAS A STRONG MEDIA/PUBLIC INFORMATION OPERATION. THE RESULTS WERE EXEMPLIFIED BY THE OUTSTANDING PRESS AND MEDIA ATTENTION THAT THE PROGRAM RECEIVED THEREBY INCREASING PUBLIC AWARENESS. IT WAS NOT UNUSUAL TO ATTRACT 30 OR MORE MEDIA REPRESENTATIVES AT A DESIGNATED "MEDIA RAID", AND TO RESPOND TO AS MANY AS 30 OR MORE DAILY MEDIA INQUIRIES RANGING FROM LIVE-TAPED INTERVIEWS TO REQUESTS FOR DAILY STATISTICS. THE MEDIA WAS CONSISTENTLY SUPPORTIVE AND POSITIVE THROUGHOUT THE PROGRAM. MEDIA COVERAGE CAME FROM LOCAL, STATE, NATIONAL, AND INTERNATIONAL SOURCES.

ONE OF CAMP'S STATED OBJECTIVES WAS TO EVALUATE AT THE END OF THE GROWING SEASON, THE PROGRAM'S EFFECTIVENESS. TO DO THIS, WE

CONDUCTED A TWO-DAY "CAMP CRITIQUE" CONFERENCE TO DEVELOP A CRITICAL REVIEW OF THE ASSIGNED CAMP PROGRAM FUNCTION ON NOVEMBER 1 AND 2, 1983 IN SACRAMENTO, CALIFORNIA. THE REVIEW IS CURRENTLY BEING SUMMARIZED WITH WRITTEN SUBCOMMITTEE REPORTS ON HOW THE OVERALL FUNCTION SHOULD OPERATE IN ORDER TO SUPPORT THE CAMP PROGRAM IN THE MOST EFFECTIVE MANNER.

THE NEXT QUESTION: WHAT HAVE WE LEARNED? BASED UPON THE CAMP CONFERENCE/CRITIQUE, THE 200 OR MORE PARTICIPANTS EXAMINED THE FOLLOWING PROGRAM AREAS FOR ENHANCEMENT:

- INTELLIGENCE DATA GATHERING/DISSEMINATION
- AIR OPERATIONS
- EQUIPMENT
- FINANCE
- TRAINING
- FIELD OPERATIONS
- INCIDENT COMMAND SYSTEM
- MEDIA RELATIONS/PUBLIC AWARENESS

WE REACHED ONE INESCAPABLE CONCLUSION--THE CAMP PROGRAM MUST BE EXPANDED. WE MUST START IT EARLIER--TO DESTROY THE MAKESHIFT BUT SOPHISTICATED IRRIGATION SYSTEMS WHICH THE GROWERS HAVE ESTABLISHED IN REMOTE AREAS AND TO DESTROY THE MARIJUANA SEEDLINGS

BEFORE THEY BECOME THE LARGE, RATHER UNWIELDLY PLANTS WHICH REQUIRE FAR MORE TIME AND EFFORT TO DESTROY. IT IS CLEAR THAT WE MUST CONTINUE BEYOND THE GROWING SEASON AS WELL AS START EARLIER. WE HAVE NO REALLY RELIABLE METHOD OF DETERMINING HOW MUCH OF THE MARIJUANA CROP HAS ACTUALLY BEEN DESTROYED IN CALIFORNIA THIS SEASON. IN SOME COUNTIES, ESTIMATES ARE THAT 95% OF THE IDENTIFIED/KNOWN CROP WAS DESTROYED; IN OTHERS, ESTIMATES RANGE AROUND 10% OF THE TOTAL CROP.

ONE IMPORTANT CONTRIBUTION OF CAMP IS IN PROVIDING SOME MEASURE, SOME RELIABLE STATISTICS UPON WHICH TO BASE FUTURE RAIDS.

CLEARLY, LOCAL LAW ENFORCEMENT URGENTLY NEEDS THE ASSISTANCE OF STATE AND FEDERAL AUTHORITIES TO DEAL WITH THE PROBLEM. WE MUST BEEF UP THAT ASSISTANCE AND TO DO THAT, WE NEED MORE RESOURCES-- AND MORE MONEY.

THE 1983 CAMP EFFORT COST ROUGHLY \$1.6 MILLION--MUCH OF IT IN FEDERAL FUNDING--TO ERADICATE \$130 MILLION (AND THAT IS PROBABLY A CONSERVATIVE ESTIMATE AT THIS POINT) WORTH OF MARIJUANA. THE DETERRENT EFFECT CANNOT BE MEASURED--WE HEAR REPORTS THAT GROWERS HAVE DESTROYED THEIR OWN CROPS BECAUSE THEY FEARED ARREST.

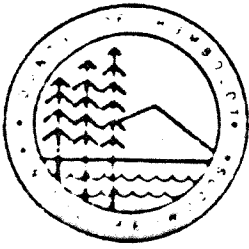
ONE ASPECT OF THE PROGRAM WHICH REQUIRES FURTHER ANALYSIS IS THE MATTER OF EFFECTIVENESS OF THE HIGH ALTITUDE PHOTO MAPPING. AT THIS POINT, IT CAN BE SAID THAT THOSE FLIGHTS PROVIDED NO

OPERATIONAL INFORMATION. WE ARE NOW AWAITING THE RESULTS OF THE FINAL PHOTOGRAPHY WHICH WAS DONE ON OCTOBER 26 TO SEE IF THE PHOTOGRAPHY CONDUCTED OVER THE COURSE OF THE PROGRAM WILL ASSIST IN PROVIDING AN OVERALL ASSESSMENT OF THE MARIJUANA GROWN IN OUR 14 COUNTIES. THE JURY IS STILL OUT ON WHETHER OR NOT THIS ASPECT OF THE PROGRAM WAS USEFUL.

IN THE FINAL ANALYSIS, CAMP HAS BEEN A LEARNING EXPERIENCE FOR LAW ENFORCEMENT. NOT ONLY HAS IT BEEN SUCCESSFUL FROM THE PERSPECTIVE OF ERADICATION, ARRESTS AND DETERRENCE, IT HAS BEEN A TEST OF HOW SERIOUS WE IN LAW ENFORCEMENT ARE--AT ALL LEVELS--ABOUT CONTROLLING COMMERCIAL CULTIVATION OF MARIJUANA, BOTH HERE AND IN OTHER STATES.

CALIFORNIA'S ATTORNEY GENERAL JOHN K. VAN DE KAMP HAS MADE A STRONG COMMITMENT TO HALT THE GROWTH AND CULTIVATION OF MARIJUANA IN CALIFORNIA. THE CAMP EFFORT IS ONE PART OF THAT COMMITMENT. I QUOTE ATTORNEY GENERAL VAN DE KAMP, "WE AIM TO SEND A MESSAGE TO THE MARIJUANA CULTIVATORS IN THIS STATE (CALIFORNIA) THAT WE INTEND TO RUN THEM OUT OF BUSINESS".

THE 1983 CAMP EFFORT WAS A FIRST FOR A COORDINATED, INTERGOVERNMENTAL PROGRAM OF CONSIDERABLE COMPLEXITY. THAT IT WAS ACCOMPLISHED WITH A HIGH DEGREE OF PROFESSIONALISM AND DISPATCH IS A TRIBUTE TO THOSE WHO PARTICIPATED. WE ARE PROUD OF OUR ACCOMPLISHMENTS THIS YEAR; THESE WERE MADE POSSIBLE BY MULTIPLE AGENCY INPUT AND COOPERATION AT A LEVEL THAT SETS A NEW STANDARD FOR ALL TO SEE.



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November 29, 1983

Honorable Chairman and Members
of the Committee:

Generally, the cry of "We're #1" is issued with civic pride. However, the assessment of CAMP officials that Humboldt County ranks #1 statewide in marijuana cultivation is received locally with some dismay, but unfortunately, not surprise. The CAMP results confirm the perception of local law enforcement that we are faced with a problem of statewide and even nationwide significance.

What I think these hearings will verify is that the County alone cannot hope to muster the resources to combat it.

For Humboldt County, and similarly situated rural areas of California, commercial marijuana cultivation has brought a new class of outlaw; one who demonstrates little respect for public or private property rights, one who oft times trespasses on remote forest and ranch lands and then uses booby traps, dogs and automatic weapons to protect his illicit crop. The annual harvest season also brings outlaws, similarly armed, to steal the green gold. It brings transients to our county to work as guards and manicurists to protect and process the cannabis. And finally, the harvest brings the sophisticated urban wholesalers, who come armed with weapons, cash and hard drugs to exchange for the crop.

Understand that I am not talking about "Ma and Pa" operations where persons grow on a limited scale for local consumption. This type of offender is, and should be, controllable by local resources.

I am concerned with operations involving hundreds and thousands of plants. A cursory review of seizures made during the CAMP project reveals more than one plantation of sufficient size to place conservative estimates of the wholesale crop value in excess of one million dollars. We are faced with a situation where the largest operators can net more than one million tax-free dollars in one growing season. Illicit profits of this magnitude generate violence, and several recent homicides have been attributed to this activity.

Given this situation the response of Attorney General Van de Kamp and the CAMP Program is most welcome. In many respects, I believe it must be judged a success.

Although we are still a long way from eliminating commercial cultivation in this County, this year's program took a substantially bigger bite, both quantitatively and qualitatively, out of the marijuana industry than had ever been taken before. Based upon this performance a continuing commitment in succeeding years can realistically be expected to eliminate this area as a center for commercial cultivation.

There are three specific areas in which I feel the Attorney General's efforts have been a noteworthy success.

First is the recognition that this problem is statewide in its scope and therefore requires statewide effort for solution. Simply stated, this County does not have the manpower and equipment resources necessary to mount the type of effort which we saw this year. State assistance will continue to be needed.

Second was the decision, made early in the planning stages, that the prime goal of the program would be crop confiscation. Given the limited resources of the criminal justice system, it should be recognized that the most harm which a cultivator faces occurs at the time his valuable crop is seized and destroyed. While prosecution, conviction and punishment should also be used as a deterrent to illegal activity, the first and foremost goal should be to destroy the crop and prevent it from reaching market. This year more marijuana was seized than ever before.

Third is the tremendous cooperation local law enforcement officials received from CAMP personnel in conducting these operations. Local law enforcement officers gathered the intelligence, selected the targets and supervised the raiding parties. It was a welcome recognition of the basic concept that law enforcement is and should be a locally controlled function and that the role of the state is to assist and support local efforts, not to take them over.

I'm sure that the Attorney General's prior experience as a District Attorney contributed to his adherence to this philosophy. In this and in other areas, John Van de Kamp has been a good friend to local government and to local law enforcement. I commend and thank him for it.

While I think we can take pride in the CAMP operations as they have been conducted; from the broader standpoint of the criminal justice system as a whole, significant problems remain. Like any system, one part cannot be affected without affecting the whole system. Although the prime goal of the program has been crop confiscation, a by-product is an increased number of arrests and filings for marijuana cultivation.

If we are to continue to regard this activity as criminal, increased resources must be devoted to those other elements of the system that hold persons accountable and punish them for such conduct.

As District Attorney, my prime concern is whether or not I have the resources available to prosecute persons arrested directly and as a result of the CAMP efforts. The answer is - I do not.

At last count, 36 felony cases have been filed as a direct result of CAMP operations. More cases remain in the investigative stage, subject to filing following a necessary review of available resources. In the main, these cases represent significant commercial operations which given adequate resources should be prosecuted as felony offenses.

Given statewide averages, such a caseload alone would justify the addition of one additional full-time attorney whose sole responsibility would be to handle such cases. Humboldt County cannot handle the expense of that increase. In fact it has not been able to staff my office to statewide standards. While 1982 statewide statistics show an average of 40.5 felony filings per Deputy District Attorney,

Humboldt County's average for that year was 51.13 felonies per deputy. We do not suffer from a lack of work. While marijuana cultivation is a matter of importance, I still have homicides, rapes, robberies and child abuse cases to prosecute which will always occupy a higher priority when scarce resources need to be allocated. A rash of homicide filings last year (an unprecedented fourteen in number) which are now coming to trial and operating this year understaffed by one attorney for budgetary reasons have placed extraordinary demands upon this office.

The plain fact is that unless my office gets assistance, most of these cases are going to be compromised short of maximum felony conviction solely because I lack sufficient resources to do the job.

I can justify negotiating a case when the provable evidence is not sufficient to support a conviction or when justice demands and supports such a result. I cannot condone case reduction of a clearly commercial profit-making operation supported by armed thugs for no better reason than lack of resources. Unfortunately, without assistance I face that very real prospect.

The Attorney General has generously offered the use of his staff to assist in the prosecution of these cases and yet I know that the San Francisco office is also overworked and really can't afford to devote the kind of attention this matter requires. In addition, prosecuting Humboldt County cases from San Francisco is just not very cost-effective.

More importantly however, in keeping with the precedent established thus far in the CAMP operation, is the need to adhere to the principle that law enforcement and prosecution are local functions.

Therefore, I propose and urge that you seek immediate legislation to fund assistance to local prosecutors to deal with commercial marijuana cultivation and other connected drug related activities.

The Career Criminal Prosecution Program is an example of utilizing state funding to local prosecutors to deal with a statewide problem - career criminals. Because I suspect that the Legislature perceived it to be a problem unique to large counties (questionable proposition) funds were allocated to the state's thirteen largest counties to the exclusion of rural areas.

Commercial marijuana cultivation is a problem of statewide dimension unique to remote rural counties. The state has contributed enormous funds to the eradication effort. It should also contribute substantially to the funding of the prosecution effort.

The problem is principally as indicated, a lack of resources above the apprehension level. In the main, I feel that the current laws are adequate to impose criminal sanctions for cultivation related activity. I look forward to hopefully utilizing Senator Keene's recent bill on confiscation cost reimbursement and personal property confiscation statutes to assess their effectiveness as tools in this battle. This however again depends upon available resources.

Two legal areas however merit attention.

Marijuana cultivation is defined as a straight felony under Health and Safety Code Section 11358. The next less serious related charge is Health and Safety Code Section 11357(c), possession of more than one ounce of marijuana which has a maximum punishment of a fine not to exceed \$500 and/or incarceration in the County Jail for a period not to exceed six months.

Marijuana cultivation ranges from one houseplant, to ten garden plants, to a one-thousand plant plantation and yet all are treated equally by statute.

I would recommend that Health and Safety Code 11358 be amended so as to make it a "wobbler" with the alternative punishment of confinement in the County Jail for not more than one year and/or a fine not to exceed \$1,000. This amendment would give prosecutors and judges greater discretion when dealing with various levels of cultivators.

The diversion statute, Penal Code Section 1000, provides that if otherwise eligible, a person charged with cultivation of marijuana can have his case dismissed without further penalty following a successful period of crime-free conduct and completion of a program of education, treatment or rehabilitation. Penal Code Section 1000 only applies in the marijuana cultivation situation however when the cultivation is deemed to be "for personal use."

The determination of how much marijuana is "for personal use" is assigned by appellate decision to be a judicial function. (See People v. Williamson, 1982, 137 Cal. App. 3d 419). A great deal of time consuming hearings have been spent in local courts addressing the issue of whether or not the marijuana cultivated in any individual case was "for personal use." Such contention has been made in a three-defendant case involving in excess of two hundred plants.

In light of these problems, I would suggest that this matter be resolved either by eliminating Health and Safety Code Section 11358 from the diversion statute or, in the alternative, limiting diversion to cultivation of no more than a finite quantity of plants.

Both of the above suggestions have been approved by the Legislative Committee of the California District Attorneys Association and I am confident they will be adopted by that body as a whole.

Commercial marijuana cultivation causes a serious disruption of the rights of law-abiding citizens to utilize public and private property and creates a community of lawlessness and violence which breeds more serious criminal activity. It is a problem of statewide significance which cannot be met solely by the limited resources of local government, particularly those of small rural counties.

We stand ready and committed to do the job but we need help in the form of enforcement assistance which has been provided in the CAMP Program if we are to have any appreciable effect on this industry.

Thank you very much. I will attempt to respond to any questions that you have.

TERRY R. FARMER
DISTRICT ATTORNEY

STATEMENT OF
Michael D. Duffy,
Regional Director of Fiscal and Accounting Management
Forest Service
U.S. Department of Agriculture

Before the Hearing on
Problems Associated
with the Unlawful
Cultivation of Marijuana
on Public or Private Lands
Eureka, California

November 29, 1983

Domestic Cultivation of Marijuana

MR. CHAIRMAN AND MEMBERS OF THE COMMITTEE:

We appreciate the opportunity to appear before the committee to provide information regarding the cultivation of Cannabis (marijuana) on National Forest System lands.

The Forest Service is a professional land managing agency charged with the responsibility of administering and managing over 190 million acres of Federal lands nationally, twenty million acres of which are in the State of California. These lands produce a variety of renewable natural resources, vital to our Nation's economy and quality of life.

During the past 4 years, there have been numerous observations and reports of Cannabis being cultivated on Federal lands, including National Forest System lands. This unauthorized use of

land for growing Cannabis constitutes trespass and conflicts with the land manager's ability to accomplish the objectives for which Federal lands were established.

The Forest Service is greatly concerned with Cannabis cultivation because of:

1. The adverse impact on the safety of visitors, contractors, and our employees.
2. The uncontrolled introduction of pesticides and fertilizers into the environment.
3. The adverse impact on our ability to accomplish management objectives for the National Forests.
4. The fact that Federal laws are being violated.

In 1981, 1982 and 1983 we estimate there were several hundred Cannabis growing sites on National Forests in the State of California with some forests having in excess of 100 sites. This year, our preliminary assessment suggests there are 1,000 Cannabis sites involving as many as 500,000 plants under cultivation within California's National Forests. Illegal cultivation of Cannabis on Federal lands is a greater problem than previously thought.

Our most immediate concern is for the safety of employees and visitors to the National Forests. Some very serious confrontations have occurred. These range from booby trapped trails involving hand grenades to face-to-face encounters with armed growers. Networks of fishhooks have been found hanging in vegetation around some plantations, along with "punji" pits. This is a pit dug along travel routes containing sharpened sticks pointing upwards. This technique was used extensively in such places as southeast Asia. Wildlife biologists & range management

staff have been shot at while working in isolated locations. In all these cases, Cannabis plantations were subsequently discovered near the site of the incidents. Some members of a volunteer fire department received threats on their lives in connection with fire prevention inspections being carried out in one area, and recently a District Ranger was told that neither his life nor his property would be safe if Cannabis raids continued.

The adverse environmental impact of the intensive use of pesticides and fertilizers on Cannabis plantations is also a concern. Even though cultivation techniques vary, it is common to find large stores of fertilizers and a variety of pesticides. From the evidence left at the investigated sites, large quantities of these chemicals, perhaps as much as 300 pounds per acre, are used in connection with Cannabis cultivation without appropriate safeguards to other vegetation, animals, or waterways. At this level of application rodents, birds and various predators are seriously affected. There is high potential of chemicals leaching into streams, since most cultivation is being attempted in riparian (streamside) zones. Serious impact on the aquatic plant and animal life of the streams as well as potential health hazards related to downstream use of the water will result. We are also concerned about the erosion that will occur as a result of the elimination or modification of natural vegetation.

There is no question that the expansion of Cannabis cultivation within National Forest boundaries is increasingly affecting the Agency's ability to accomplish its management responsibilities in many areas. Because of the threat to employees and contractor safety, we are modifying timber sales schedules to avoid known plantation areas. A variety of silviculture activities have been rescheduled until law enforcement authorities can take appropriate actions. Surveying crews, timber marking personnel, fire prevention patrols, archeological reconnaissance and site

studies, and wildlife field activities are all affected by the need to exercise extreme caution or avoid many areas altogether. Interestingly, we have also found that supposed public resistance to intensive forest management activities, such as timber harvesting and wildlife habitat improvement, is frequently high in and adjacent to the areas where the cultivation of Cannabis is known to exist.

The things I have been describing are samples of a difficult and dangerous situation which we are faced with in managing the National Forests in California. Other public and private lands are experiencing the same impacts as activity increases. About two years ago the Forest Service began to take more aggressive, organized action in concert with a variety of local, State and Federal agencies to minimize the affects of the Cannabis operations in and on wildlands. I believe this coordinated effort is experiencing success.

The Forest Service, working within existing authorities and jurisdictions, concentrates on: safeguarding personnel through training and orientation; alerting and informing forest visitors about the problems; cooperation with and support of appropriate law enforcement agencies; and participation in the Statewide inter-agency task force whose main purpose is to consolidate and coordinate use of available resources for maximum effect. All the Forest Service efforts are directed toward meeting the objectives of the President's illegal drug prevention strategies.

The actions undertaken by the Forest Service in the Pacific Southwest Region to safeguard employees and visitors include such things as: special training for certain law enforcement personnel; orientation of employees and their families towards recognition and reporting of plantings; application of security and protection measures in some locations; and implementation of a public information action plan.

The latter includes use of news releases explaining the problem of cultivation on National Forests, distribution of a "Visitors Take Caution" brochure, participation in press conferences, briefings sessions with local organizations and community leaders, and later, development and distribution of public service spots for radio and television use.

In addition to general employee orientation about recognition and reporting of Cannabis plantings, employees who must work in isolated areas are given instruction about how to act in the field. They are kept informed about known plantings so they can avoid them. Personnel are instructed to be open and obvious about the field activities they are carrying out to help establish the legitimacy of their presence and in no circumstances to provoke or foster confrontations. When in doubt or challenged, get out fast is our motto.

In connection with our participation in the inter-agency task force, (which includes the various Federal, State, and local authorities in a coordinated effort to eradicate Cannabis,) we spent \$337,000 of FY 1983 Cooperative Law Enforcement funds and contributed in excess of 2,000 days of law enforcement personnel time toward the effort to eradicate Cannabis. Under the leadership of local law enforcement agencies, we supply backup during a variety of on-the-ground activities, and we participated regularly at the inter-agency command center in Sacramento.

It is important to clarify the legal situation that applies to National Forest System lands. Nearly all of the National Forest System lands are in proprietorial jurisdiction. Proprietorial jurisdiction means the Federal Government has acquired rights or title to the land, but the States and local governments retain jurisdiction and authority to enforce State and local laws. The State and local law enforcement agencies have the same authorities and responsibilities on the National Forest System lands as on any other lands in their jurisdictions. Violations

may be investigated by either local, state, or Federal agencies with authority to initiate investigations involving narcotics and other controlled substances.

In the case of Cannabis grown on the National Forests, the proper Federal agencies are the Drug Enforcement Administration which has traditionally had this authority, and the Federal Bureau of Investigation which was recently granted authority to investigate controlled substance cases. This authority does not extend to the Forest Service. The Forest Service does, however, have authority to enforce laws and regulations governing the use of National Forest System lands. Violations of regulations promulgated by the Secretary of Agriculture are punishable as petty misdemeanors with a maximum of 6 months in jail and \$500 fine. Since Cannabis is cultivated on wildlands with complex combinations of ownerships, within and adjacent to the National Forests, we believe that the current jurisdictional situation is appropriate.

As previously stated, the Forest Service is not charged with the responsibility of enforcing the controlled substance laws nor is it appropriate to consider granting increased authority to the Forest Service in this area. Our employees are neither trained nor qualified to initiate independent actions aimed at the enforcement of controlled substance laws.

We recognize that the costs to the States and counties of providing protection to visitors and their property on the National Forests can sometimes be higher than average. The Act of August 10, 1971, Cooperative Law Enforcement (P.L. 92-82) provides the means to supply some reimbursement for these costs including the extraordinary costs of investigating suspected Cannabis cultivation on the National Forests. In FY '83 about \$1 million of the cooperative law enforcement funds appropriated nationally was used specifically in connection with Cannabis

investigations. As previously mentioned, \$337,000 of that was made available in California.

There is no question that growing Cannabis in wildland areas is an increasingly serious problem. Public lands have become a favored location because of their remoteness, sparse populations and other conditions that favor the production of very valuable crops. Confrontations between growers, Forest Service employees and Forest visitors will, unfortunately, continue. Unless conditions of supply and demand change dramatically, the use of suitable Federal public lands to cultivate Cannabis can be expected to increase.

We believe the role of the Forest Service is to cooperate with the appropriate local, State, and Federal agencies to aggressively reduce the number of successful Cannabis growing operations on National Forest System lands. The leadership role should continue to be with the appropriate law enforcement agencies. We will continue to work aggressively in this inter-agency effort to the full extent that our resources permit.

Mr. Chairman, this concludes my remarks. I would be pleased to answer questions you may have or furnish additional details.



STATEMENT OF BRUCE CONRAD, DEPUTY STATE DIRECTOR
CALIFORNIA STATE OFFICE, U.S. BUREAU OF LAND
MANAGEMENT, DEPARTMENT OF THE INTERIOR BEFORE
SENATE JUDICIARY COMMITTEE

November 29, 1983 at
Eureka, California

I appreciate the opportunity to appear before the committee today to discuss the illegal cultivation of Cannabis, from which marijuana is produced, on the public lands managed by the Bureau of Land Management in California.

In recent years, the illegal cultivation of Cannabis on BLM-administered public lands has become a serious problem. The influx of marijuana growers onto the public lands has created a situation which now poses a threat to BLM employees who manage the lands, the permittees who utilize these resources, and to the general public who use the lands for a variety of recreational purposes.

This situation has evolved over about the last five years to the point where it is estimated that up to 40% of the total statewide Cannabis crop is grown on BLM and Forest Service lands.

BLM and Forest Service lands are chosen specifically because of the general remoteness of the lands and because California's climatic and soil conditions are ideal for the cultivation. A grower prevents identification of himself because of Federal ownership of the property.

The detrimental impacts of Cannabis cultivation on the public lands fall into three major categories:

- (1) The public lands are becoming increasingly unsafe for the visitor public as well as BLM and Forest Service employees who have management responsibilities.

(2) Authorized users of the natural resources, such as miners, loggers, and ranchers, are being restricted from entering areas used for Cannabis cultivation.

(3) The resources and the environment are being damaged.

Cannabis growers, as you have heard in earlier testimony, are known to have used booby traps and antipersonnel weapons which fire shotgun shells at knee level, fish hooks hung at eye level, punji sticks hidden in carefully covered holes where they can penetrate and injure hikers or BLM personnel who happen to fall in them, and large steel bear traps set to injure visitors who step on them.

Arsenic-based poisons are used around growing plots to eradicate small animals, including rodents which have a taste for eating Cannabis plants. The arsenic kills these small animals, but the deadly impact extends far afield as other animals in the food chain, including raptors, consume these dead animals and themselves become victims and die.

These poisons leach into the ground water supply from the Cannabis plots and spread the deadly results throughout the area and finally into water supplies downstream.

Experts have traced the growing of Cannabis on the public lands to national efforts to curtail marijuana supplies illegally imported from foreign countries. As the success of those national efforts have increased, Cannabis growers have expanded their efforts within the nation's borders. Producing an illegal crop of marijuana closer to home reduces the need for transportation across the

nation's borders and expands the success ratio in production of crops grown locally.

Nearly every State in the Union has been found to have some kind of a Cannabis cultivation problem; but California, with its long growing season and excellent weather, has become a prime growing location. And, within California itself, as one county wages a successful war against marijuana and the cultivation of Cannabis, growers simply move on to a new, and even more remote corner of the public lands.

When these illegal crops were first introduced to the public lands, they were rather easily spotted from aircraft because our lands do not normally have any kind of cultivation within their borders. The first growers cultivated south-facing slopes, after clearing the sites, and planted their crops in rows. As eradication and detection efforts continued, however, the growers have become more sophisticated in their approach and now grow smaller irregular patches, or tend to try to hide them among the trees and in areas much more difficult to spot from the air.

On November 12, 1982, the Director of BLM set the policy for the Bureau, saying: "The cultivation of marijuana on the public lands is illegal and an unauthorized use of the public lands which often has adverse impacts on the public resources, public access and safety, and the safety of BLM employees. It is the policy of BLM to work cooperatively with other land management and law enforcement agencies to prevent the cultivation of marijuana on the public lands. BLM managers and law enforcement personnel will

coordinate with local law enforcement officials to meet this goal. The local law enforcement agencies have the lead responsibility for taking enforcement and legal action."

As a part of that policy, the Director required State Directors to create a BLM central records system where information on marijuana cultivation on the public lands would be reported, compiled, updated, and disseminated to proper law enforcement authorities. State Directors were also told to begin an employee awareness program to help BLM employees conduct their normal duties in a safe manner when and if confronted by a situation related to marijuana cultivation.

In the fall of 1982, raids were conducted on six marijuana growing sites in the King Range National Conservation Area with 593 marijuana plants, each with a potential value of \$2,000, being removed and later burned. Law enforcement personnel from the Humboldt County Sheriff's Office and the Bureau of Narcotic Enforcement (BNE) of the State of California's Department of Justice conducted the raids in coordination with two BLM Special Agents. As far as the public lands were concerned, this campaign was a forerunner to this year's C.A.M.P. program you heard about earlier.

Reports of threats and harassment toward public land users as well as Federal and State government employees continued and new plans were formulated to remove large quantities of equipment left on the previous year's growing sites. Joining in these plans with the previously mentioned law enforcement agencies were

the U.S. Customs Service, California Department of Forestry, and California Highway Patrol.

This second series of raids began April 4, 1983, and continued through April 9. Approximately five tons of Cannabis growing equipment and supplies were removed from the old King Range sites. Confiscated was about seven miles of plastic piping, sophisticated irrigation valves, plastic swimming pools used for water reservoirs in the irrigation of crops; chicken wire fencing and posts used to protect the crops from deer and small animals; plastic coated chicken wire hot-houses, where immature plants were started; and dry and liquid fertilizers. All of this was found on our pristine Federal lands.

In addition, 1,000 marijuana seedlings were confiscated, along with a new crop being tested in the area--opium poppies--and seeds, 50 pounds of dried marijuana "shake," and various bags of marijuana seeds. A 7-horsepower gasoline-powered centrifugal irrigation pump and five solar panels, apparently stolen from a U.S. government facility, also were recovered from this remote area.

All of this material was transported out of the area to a nearby headquarters site. The irrigation materials may be used by BLM in range improvement projects in other areas.

Marijuana cultivation, it should be noted, now generates revenues which surpass those of most major legal crops. Until recently in some areas of California, this activity was actually welcomed to some degree by local business interests. But, the growing marijuana industry has brought with it an influx of

undesireables and the increasing crime rate has convinced many local officials that marijuana cultivation and crime go hand in hand.

The Western States Information Network, reporting on marijuana cultivation in 1982, stated that 41 counties in California reported 661 seizures involving 1,152 crops. Some 90,000 plants were seized, containing 134,000 pounds of marijuana. 143 suspects were arrested and 525 weapons confiscated.

Marijuana is not the only drug encountered. In 1982, raiding authorities found other drugs associated with the Cannabis crops including 11 cases of amphetamines, 23 cases of cocaine, 7 cases of opium poppies (which may become a potential new problem), and 8 cases of LSD.

The 1982 report indicated that 125 Cannabis sites were located on public lands, with Butte (12), Del Norte (14), Monterey (25), and Siskiyou (41) counties leading the way.

This year, BLM joined with numerous other Federal and State agencies in a coordinated Federal, State, and local government effort against marijuana cultivation. Local county sheriffs' offices are the lead agencies in eradication efforts known as the Campaign Against Marijuana Planting (CAMP). They are supported by funds, equipment, and personnel of a number of agencies including BLM with the goal of eliminating marijuana production on Federal, State, and private lands in California.

In FY 1983 and FY 84, BLM has assigned one special agent full time to the CAMP effort, and we have contributed some funds toward the CAMP effort.

At some point soon, we do need to develop an accurate and continuous inventory system within BLM so that our local land use managers will have current information on which to base decisions about where crews can work safely and where visitors can safely use the public lands. Currently no such system is in place.

We are planning to refine and conduct training sessions for our regular field employees, so they will know what to look for and how to conduct themselves in a dangerous situation.

The cultivation of Cannabis on the public lands is a fairly new but rapidly growing problem which will require vigorous efforts to bring about a viable solution guaranteeing to the American public--the thousands of visitors to the public lands--and the public employees who must work in remote public land areas, that they will be safe from harrassment and assault from those individuals who violate the law by growing marijuana on the public lands.

That concludes my testimony. I would be happy to answer any questions.



CALIFORNIA FOREST PROTECTIVE ASSOCIATION

Statement of Matt Anderson for Committee Hearing
Senate Judiciary Committee
November 29, 1983

I am Matt Anderson, Director of Environmental Affairs for California Forest Protective Association. Our organization represents the major industrial owners of commercial forest land in California. CFPA members own and manage some four million acres of the state's privately owned timber resource, virtually all of which is in the primary marijuana-growing regions of the state.

For years the timber industry throughout the West Coast and most of the nation has been plagued with trespass, vandalism and other related illegal activities. Most of it has been manageable, although very annoying and costly. In the last two or three years, however, something new has come onto the scene.

Last year the U.S. Forest Service, at a meeting in San Francisco, disclosed to representatives of public land managing agencies, the timber industry, law enforcement agencies and the news media a side of the marijuana cultivation problem which had not previously been brought to public attention. Recent incidents on public forest lands made it clear that present-day marijuana growers no longer fit the accepted "good old boy" description. Confrontations by growers with innocent and totally authorized users of public lands were taking on a character more befitting the actions of street gangs.

The startling reports of criminal activities associated with marijuana cultivation on public lands prompted CFPA to find out if similar activities were taking place on private forest lands as well. The Association surveyed

its members and results showed that the problem was not strictly confined to public lands.

The survey covered the twelve-month period between August 1981 and August 1982. Twenty-six companies, with total holdings of well over three million acres, responded. All but six of the companies reported direct or indirect knowledge of marijuana cultivation on company lands. Company personnel found a total of 63 marijuana plantations on their lands during the twelve-month reporting period, growing an estimated total of 3,300 plants.

The CFPAs members were also asked to report incidents of criminal behavior associated with marijuana cultivation. Seven companies reported acts of sabotage against the company or destruction of company property. Employees and contractors of six companies received threats of violence or reprisals from suspected marijuana growers. Of a more benign, non-criminal nature, the normal forest management activities of 10 companies were the targets of protests associated with marijuana cultivation in or near company operating areas.

A number of specific incidents were reported involving sabotage of logging equipment, destruction of gates and theft of vehicles. Trees were cut down to provide marijuana growing sites. Foresters and logging crews had been threatened with violence if nearby marijuana crops were disturbed; a form of extortion to get the company employees to protect the crop. Concern was expressed by all companies for the safety of employees who encounter marijuana growers. Foresters are fearful of being shot or triggering booby traps.

The companies responding to the CFPAs survey identified herbicide spraying

as the primary target of protests of company forest management activities which could be associated with marijuana cultivation in or near company operating areas. In some cases, persons known to be growers were involved in herbicide confrontations. Road building, logging and slash burning activities near marijuana-growing sites also came under attack. In at least one instance, a company adjusted its logging plans in order to avoid marijuana sites.

It is apparent from the CFPAs survey that the major industrial owners of commercial forest land are experiencing many of the same problems as those confronting public forest land managers; however, the magnitude may not be quite as great. This is undoubtedly attributable to the much greater freedom of entry to public lands. Private lands, however, are by no means immune to the problem.

As an epilogue to our 1982 survey, one of the major timber companies in Humboldt County reports that the situation was about the same this year. About the same number of marijuana plantations were found this year on company land as last year. One noticeable difference, however, is that the plantations are smaller and more difficult to find, a likely result of stepped-up enforcement activities. The company spent about 56 mandays this year on marijuana-related activities, including time for court appearances as the result of eight arrests on company land. An interesting footnote was provided by a company spokesman who told me that records found at the larger plantations discovered on company land this year reveal that the brains behind these operations are located in southern California.

The recently concluded multi-agency Campaign Against Marijuana Planting (CAMP) showed that an effective eradication program can be launched when there is close cooperation between enforcement agencies and the necessary resources are available. Even this intensive campaign, however, resulted in capturing only about 10 percent of the illicit marijuana crop, according to some law enforcement officials. The forest products industry supports the continuation and expansion of programs such as CAMP.

We would also encourage drug enforcement officials to consider intensifying their eradication programs to include raids at times other than the highly-popularized marijuana harvesting season. Forays during the early part of the growing season for the purpose of confiscating the equipment necessary to produce the crop, such as irrigation systems, could literally nip the problem in the bud.

In an effort to facilitate local marijuana eradication programs, the timber industry in Humboldt County this year, along with other private forest land owners, issued blanket permission to law enforcement agencies to enter their property for the purpose of confiscating marijuana and other contraband. This eliminated the need for the issuance of individual search warrants. The system is working well in Humboldt County. We would encourage other local jurisdictions to consider a similar procedure.

We appreciate this opportunity to appear before you today.



DECEMBER 2, 1983

DEC 8 1983

SENATOR BARRY KEENE
CHAIRMAN, SENATE COMMITTEE ON JUDICIARY
ROOM 2187
STATE CAPITOL
SACRAMENTO, CA 95531

Dear Senator Keene:

On November 29, 1983 an Interim Hearing was conducted at the City Council Chambers in Eureka, California on the subject of Marijuana Cultivation. I was tentatively scheduled to testify before your committee hearing, but regrettably had to leave before having the honor to do so. I would like to take the opportunity at this time to submit a written statement concerning my evaluation of the C.A.M.P. Program and its impact on the illegal activity of Marijuana Cultivation.

Although the City of Crescent City was not directly involved in the C.A.M.P. eradication program, I did have opportunities to talk to agents of the three levels of government that were involved (Federal, State and Local) at the time of operation. I would like to emphasize that my evaluation of the successfulness of the C.A.M.P. eradication program is not based on personal experience but on information gleaned from involved federal, state and local officials.

The first observation made was the high level of mutual cooperation demonstrated between the officials/agents of the three governmental levels to band together in a concerted effort to curtail the cultivation of marijuana. It was indeed gratifying to see agents/agencies set aside petty jealousies in furtherance of achieving a common goal. I believe the achievement of cooperation is a direct result of the strong leadership and coordination that was provided by

-F-

the Attorney General's Office.

The second observation made was that there was an apparent difference of end-result interests on the part of local authorities that were involved. It is my understanding that the interests of the federal and state agencies, involved in C.A.M.P., were to abate or remove the product (marijuana) from the illicit distribution pipeline and thereby prohibit its marketing, and at the same time put the grower on notice that his activities are not going to be tolerated and that he is indeed going to be "put out of business".

The county-level authorities shared these goals but had an additional interest that added a new dimension, that of "making cases" (prosecution of offenders). This additional dimension was so successful that it overly burdened the local Criminal Justice System to a point that the counties did not have sufficient resources in place to properly handle the workload.

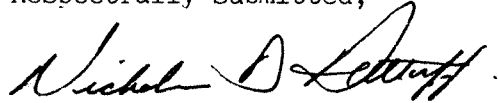
Due to the level of success achieved by C.A.M.P. operation, the local Criminal Justice System now find themselves in a position of heavy workload without the resources to accomplish their task.

In my personal analysis of the C.A.M.P. Program I arrive at the following conclusions:

1. The C.A.M.P. program was a definite cost-effective success in that a 1.6 million dollar investment removed a 130 million dollar problem from the body of the State of California.
2. The C.A.M.P. program showed the public and grower that there is a united front to put the offender "out of business".
3. The C.A.M.P. program must be expanded in its scope next year, and the years to follow, to achieve even greater success in eradication of marijuana and its related criminal activities from existence.
4. The C.A.M.P. program must also address the issue of prosecution costs so a complete plan of attack against marijuana production and marketing can be achieved. It is a short-term success to do

half a job by apprehending a violator and then be in a position
where we are unable to carry through with the prosecution.

Respectfully submitted,



NICHOLSON D. POTTORFF
ID #5 CCPD
Chief of Police
Crescent City, CA 95531



PAPER ON MARIJUANA

A Background Paper For The Interim Hearing
of the
Senate Committee on Judiciary

November 29, 1983
Eureka, California

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I. HISTORICAL PERSPECTIVE

A. THE ORIGINS

Cannabis sativa, also called marijuana, Indian hemp, pot, dope, and other names, was brought to the United States by the first European settlers, who planted it in Jamestown in 1611. Cannabis was used as the source for a variety of products: the fiber was used for rope and cloth, the seeds for oil and birdfood, and the leaves and resin for medicine and intoxicants. In fact, hemp was so important to the colonists that in 1762, Virginia imposed penalties on those who did not cultivate it. Since that time, laws regarding cannabis sativa have experienced a transformation as the plant's uses have changed.¹

The 19th century witnessed a complete change in cannabis use. Its use as hemp for cloth and rope reached its peak early in the century and declined when Americans began using cotton for cloth and imported jute for rope. However, during the late 1800's, marijuana gained popularity as a widely recommended therapeutic agent and was used by some as an intoxicant.

It remains uncertain why or when marijuana's extensive use as a mind-altering drug began in the U.S., although drug historians suggest the practice entered from Mexico and the Caribbean. Newspaper and police reports from the early 20th century mention its use by Latin-American laborers.

B. EARLY 20TH CENTURY: the Beginning of Prohibition

The early 20th century was an era of intense interest in social reform, including efforts to limit the use of intoxicants. The 18th Amendment prohibited the sale and manufacture of alcohol, and the Harrison Act of 1914 taxed and regulated the production, importation and sale of opium and coca leaves. But, due to national ignorance and pressure from the pharmaceutical industry, marijuana was not prohibited or taxed on the national level.



State laws filled that void. The first marijuana prohibition laws were passed by several states, including California, in 1914 and 1915. By 1931, 29 states had passed laws prohibiting the use of marijuana, although little was known about its effects. According to drug historians, these state laws were a response to fears that marijuana caused severe psychological and physical damage as well as antisocial and criminal behavior. Marijuana was perceived as being more related to narcotic drugs than to alcohol and tobacco. The commentators also noted that the laws, adopted primarily by states west of the Mississippi, were heavily influenced by anti-Mexican sentiments.²

C. THE GROWING FEDERAL ROLE

The federal government first attempted to regulate marijuana under the Uniform Narcotic Drug Act of 1931. But very few state governments adopted the act. As a result, in 1934, the Federal Bureau of Narcotics (FBN) mounted a public campaign on the menace of drugs, particularly marijuana. Despite the lack of methodologically sound medical studies, the FBN presented marijuana as producing insanity and increasing the propensity to commit crime. The program was a success. By 1937, 46 of 48 states had adopted marijuana prohibitions. The Congress also passed the Marijuana Tax Act that year.

D. PERIOD OF ESCALATION

Attention did not focus again on marijuana until the 1950's when marijuana use was portrayed as a first stepping-stone to heroin addiction and a large increase in marijuana arrests gave the impression that a marijuana addiction problem had appeared. As a result, Congress passed two new drug bills. In 1951, Congress enacted the Boggs Act, which increased the penalties for marijuana and imposed a two-year minimum sentence for first offenders. In 1956, Congress further increased the penalties for marijuana in the Narcotics Control Act and generally classified

marijuana with such drugs as heroin. Some federal offenses carried 5-20 years for a first offense and from 10-40 years for a second offense. The states also increased penalties with the result that all marijuana offenses, including simple possession, were felonies in most states.

E. THE SIXTIES: CHALLENGING PERCEPTIONS AND REDUCING PENALTIES

A 1960's sociological phenomenon fundamentally changed perspectives on marijuana: marijuana became the drug of the middle-class, and its use penetrated into the mainstream of American life. Even college and high school students began to use it. By May, 1969, Gallup polls showed that 22% of college students had smoked marijuana. Slightly more than one year later, 42% had tried it. Several reasons were suggested: the youth rebellion against societal taboos, the exposure to marijuana of American soldiers in Vietnam, and the fact that many found enjoyment in smoking marijuana.

This phenomenon heightened both national awareness and national concern, and elicited several actions. Every state amended its penalties between 1968 and 1972, the overall result being a massive downward shift in penalties for consumption-related offenses.³ Simple possession of up to one ounce was classified as a straight misdemeanor or possible misdemeanor/felony in all but eight states by the end of 1972. On the national level, in 1970, Congress passed the Comprehensive Drug Abuse Prevention and Control Act, which distinguished marijuana from narcotics, gave more discretion in sentencing and made possession for personal use a misdemeanor. That same year Congress initiated two studies to learn more about marijuana use.

F. THE SEVENTIES: THE PUSH FOR DECRIMINALIZATION

The two marijuana studies that Congress commissioned in 1970 provided the impetus for the debate over decriminalization--a term meaning no penalty except a small fine for possession of

small amounts (up to 3.5 ounces) of marijuana. The studies found that intermittent marijuana users were no different than their non-user peers and said use at current levels (1973) posed no threat to public health. Most importantly, the studies recommended: 1) private possession of any amount, public possession of up to one ounce, and distribution of marijuana for no or insignificant remuneration be legalized; (2) public use and public possession of more than an ounce be a criminal offense punishable by fine; and (3) cultivation, sale, or distribution for profit and possession with intent to sell remain felonies.⁴

Besides this initial impetus, California arrests for marijuana use had increased more than tenfold--from 5,155 in 1960 to 52,027 in 1972.⁵ Concern was expressed that the enforcement of marijuana laws was straining the resources of local law enforcement agencies.

1. Decriminalization in California

Beginning in 1972, the California Legislature began considering legalizing or decriminalizing possession of marijuana. Assemblyman Waxman introduced AB 671, which would have repealed the law prohibiting possession of marijuana. However, AB 671 failed to receive passage out of its first policy committee.

That same year proponents of marijuana legalization placed Proposition 19 on the November ballot. That initiative would have permitted any adult to plant, cultivate, possess or transport marijuana for personal use. Voters rejected Proposition 19 by a 2-1 margin: 5,433,393 (66.5%) no votes to 2,733,120 (33.5%) ayes. (Twelve similar initiative attempts, spanning from 1966 to 1983, have failed to receive sufficient signatures to qualify on the ballot.⁶)

The Legislature then focused on decriminalization, instead of legalization, as the means of alleviating what many perceived as harsh laws. (From 1969 to 1975, marijuana possession of any

amount was a wobbler misdemeanor/felony offense and was punishable either by a year in county jail or by 1-10 years in state prison.) In 1974, the late Senator George Moscone introduced SB 2157. That bill would have made possession of less than 3 ounces of marijuana punishable as an infraction. Opponents declared that decriminalization would encourage further marijuana abuse. Proponents, including groups like the National Organization for the Reform of Marijuana Laws (NORML), suggested that decriminalization would reduce law enforcement and court costs involved in minor marijuana cases. They also expressed the belief that it would bring California in line with the current realities of marijuana use. Although SB 2157 failed, it paved the way for SB 95 (Moscone), which proposed substantially reduced criminal penalties for most marijuana offenders. For example, simple possession of or furnishing not more than one ounce of marijuana would be reduced from a possible felony/misdemeanor to a straight misdemeanor punishable by a maximum fine of \$100. With public opinion polls showing support for decriminalization, SB 95 passed and became effective in 1976. (See Appendix C for a summary of recent legislation relating to marijuana penalties.)

According to a Department of Health study commissioned by the Legislature, SB 95 reduced the number of arrests for possession of marijuana and decreased fiscal costs and workloads at each stage of the criminal process. When comparing the first six months of 1975 and 1976, police agencies spent \$7.6 million in the first period and only \$2.3 million in the second. The judicial system reduced its case processing and court costs from \$9.4 million to \$2.0 million for the same periods. The total cost savings to the criminal justice system resulting from passage of SB 95 was estimated at \$25 million annually.⁷

2. Action in Other States

Oregon was the first state to decriminalize possession of small amounts of marijuana, doing so in 1973. Since then, 10 additional states, including California, have eliminated incarceration as a penalty for simple possession, usually substituting a maximum fine of \$100. Five of these states have made simple possession a civil offense. In the other five--California, Colorado, Minnesota, North Carolina and Ohio--it remains a criminal offense. (See Appendix B for more detailed information and a summary of state and federal laws.)

II. MARIJUANA IN THE 80's

A. A SHIFT IN FOCUS

With the passage of SB 95, the support for total legalization has waned and the controversy over marijuana has seemed to fade. Moreover, the 1980's witnessed a shift in the focus of debates over marijuana policy.

The much publicized demographic changes among users, particularly the increased numbers of youthful marijuana smokers, was a growing concern. Increased potency of the drug and the quickly growing paraphernalia industry also played important roles in changing public attitudes. It was common for public and legislative ire to be raised when parents presented evidence of the exploitation of minors through the sale of paraphernalia, in record stores and elsewhere. In essence, the focus of marijuana policy debate rapidly shifted from concern with adult civil liberties to protection of the very young. This shift in focus may explain the recent hardening of public attitudes.

B. HARSHER PUBLIC ATTITUDES

Political leaders and the public in general have adopted harsher attitudes toward drugs, in general, and marijuana, in particular.

Unlike former President Carter who openly supported decriminalization of marijuana in 1978, President Reagan has taken the offensive on all drugs, including marijuana. On October 2, 1982, Reagan stated: "The mood toward drugs is changing in this country and the momentum is with us. We are making no excuses for drugs, hard, soft or otherwise. Drugs are bad and we are going after them."⁸

State officeholders have expressed similar attitudes. Governor George Deukmejian, who as Attorney General first coordinated efforts to eradicate marijuana cultivation, supports

even tougher marijuana laws. In March, 1983, he told an Associated Press reporter: "There is some legislation pending now that would increase (penalties), sort of bring them back to where they were years ago, and I support that."⁹ Attorney General John Van de Kamp said earlier this month: "We aim to send a message to the marijuana cultivators in this state that we intend to run them out of business."¹⁰

These harsher attitudes of political leaders reflect the harsher attitudes of the public in general. Both state and national public opinion polls show the trend toward increasing support for relaxed marijuana laws has been reversed. Fewer people smoke marijuana, and more people support stricter marijuana laws.

A recent California Field Poll (9/1/83) revealed that only 12% of Californians say they smoke marijuana, whereas 17% used it in 1979. At the same time, frequency of use has also declined. The survey statistics suggest that the decline has occurred mainly among younger adults.

While marijuana use has declined, California attitudes toward marijuana laws have stiffened. A 54% majority favor either strict enforcement of present laws or passage of even tougher laws. This is up from 36% in 1979. When Californians relate marijuana laws to the economy, 51% of them believe that legalizing the sale of marijuana would not benefit the state's economy.¹¹

The nation demonstrates even harsher attitudes than Californians on smoking and legalizing marijuana. A NEWSWEEK/Gallup Poll (10/25/82) showed that 74% of Americans oppose legalizing marijuana. That is up from 66% in 1977. In response to the question: "What proportion of your friends and acquaintances occasionally smokes marijuana," 65% responded either none (43%) or hardly any (22%).¹²

C. ENFORCEMENT

Despite the public's harsher attitudes, small-scale use and distribution receives no where near the law enforcement attention it did in the 1960's and 1970's. SB 95 shifted the focus away from possession of small amounts of marijuana and its use in private homes. Lack of resources also has prevented federal, state and local officials from stopping small-time marijuana dealers. Instead law enforcement officials have worked to catch and prosecute the large drug dealers, especially organized crime networks. Because California is considered a major port of entry for drug trafficking, efforts here have gone to eliminating smuggling especially. Federal and state efforts also have been directed at eradicating expanding domestic marijuana cultivation.

III. MARIJUANA CULTIVATION IN CALIFORNIA

While the marijuana decriminalization controversy raged, a new aspect of the broader marijuana issue developed: domestic cultivation.

A. DEVELOPMENT OF AN INDUSTRY

A combination of factors coalesced to make domestic cannabis cultivation attractive. Marijuana users laid the foundation by growing small plots for personal use in order to save money. In the middle 1970's, the United States government began pressuring other countries to restrict their outflow of marijuana. For example, American support for Mexican marijuana-eradication efforts averaged \$30 million a year from 1975 to 1978.¹³ In addition, it is probable that concerns over paraquat-sprayed foreign marijuana led to greater demand for American marijuana and encouraged large-scale domestic cultivation.

While government efforts to reduce foreign production succeeded, American growers filled the gap. Thus, the government's aim of reducing the marijuana supply ultimately failed.

1. Northern California Attracts Marijuana Cultivators

Marijuana cultivators discovered the rural areas of Northern California offered ideal conditions for growing marijuana: isolation from civilization and law enforcement, good soil and warm, moist summer climate.

As a result, marijuana fields became concentrated in the northern part of the state, despite the fact that the plant can grow virtually anywhere. In fact, law enforcement officials have found fields in 43 of California's 58 counties (1982 figure).¹⁵ But the larger scale "plantations" are usually found in northern, rural areas.

2. The Sinsemilla Technique

As demand for untainted marijuana grew, California growers carved out their own niche in the market. They developed the "sinsemilla" (Spanish term for "without seeds") cultivation technique. The seedless technique involves destroying the male plants so that the female plants will produce more flowers to attract the male plants. More flowers also produce more THC resin, which is the chemical that produces the "high" in the human body. According to William Derr, special agent for the US Forest Service, the sinsemilla technique can produce four times the level of THC resins.¹⁶ When combined with Northern California's conducive weather and soil conditions, the sinsemilla technique is said to produce some of the finest and most potent marijuana in the nation. Wholesale prices of this product range from \$500-1000 a pound. "On the streets," it can command as much as \$250 an ounce in cities such as New York.¹⁷

3. Cultivation on Private and Public Lands

The sinsemilla marijuana is cultivated on private property and, increasingly, on public lands--both state and federal. Marijuana cultivators who own the land can prohibit trespassers and law enforcement officials without warrants from entering their land, making it difficult for others to discover their marijuana plots. In other cases, the cultivators are trespassers who grow their crop on another's land, such as where there is an absentee owner or the marijuana field is hidden from the landowner.

State and federal governments are particularly affected as it is becoming increasingly more common to find marijuana fields on public lands. The huge tracts of publicly-owned forests, parks and wildlands provide numerous opportunities to place marijuana fields in areas that are concealed and extremely isolated. Public ownership also prevents law enforcement from associating marijuana stalks with the land owner. The US Forest Service

estimates that marijuana grows on 1/2 million acres of national forest lands.¹⁸ As much as half of the California crop is on public lands, according to drug enforcement officials.¹⁹

B. ENVIRONMENTAL EFFECTS

The incursion of marijuana cultivation upon rural lands has brought serious environmental effects. Cultivators have used various chemicals to kill rodents and other pests, as well as nitrogen fertilizers to enhance production. These chemicals, however, harm nearby animals as well as the food chain in general. The cumulative effects have not yet been calculated, but environmentalists have expressed extreme concern.²⁰

C. VIOLENCE IN THE FIELDS

A wide range of people have expressed concern over an increasing problem: the incidence of violence in marijuana-producing areas. Some growers carry weapons ranging from shotguns to machetes, and have been known to use them to protect their livelihood. They also install booby traps ranging from Vietnam-style punji sticks to hand grenades triggered by trip wires. The cultivators use their weapons and traps to protect against "dope-robbers" as well as against law enforcement officers, innocent hikers, hunters, ranchers, and property owners who happen to come upon the fields.

Recently, the violence, which ranges from harassment to homicide, has increased. An article in OUTSIDE magazine (April, 1983) stated that backcountry violence had increased 200% in two years. Crimes against national forest visitors were up 350% since 1969, and assaults up 400%. According to a US Forest Service official, William Derr, 800 national forest visitors reported being forced to leave certain areas in 1981. The same official also suggested that 80% of the growers are armed during the growing season, and that all of them have some weapon at harvest time.²¹ Even tigers have been found protecting marijuana

patches.²² The growers also have set fires to and shot at homes of residents who they believe reported their fields. The result has been 12 reported murders in four years--in Butte County alone--that were related to marijuana cultivation.²³ This season 3 people were shot when they found a marijuana patch near Willits.²⁴

D. A THRIVING INDUSTRY

The rising tide of violence is but one indicator showing the change in character of marijuana cultivation. It has become a major commercial industry requiring capital, labor and protection of its product. The production techniques are advanced, ranging from gene-manipulation to hydroponic growing (ie. using high-nutrient water instead of soil).

Like any industry, it involves a wide range of people and enjoys some community support. Some growers are young. Others include a 60-year-old Illinois farmer who cultivated marijuana to pay off farm debts he had accumulated while growing other less profitable crops.²⁵ When marijuana cultivators are attacked, some communities also react in support of the activity. When then-Attorney General Deukmejian conducted helicopter raids on marijuana fields in 1979, community reactions ranged from calls to legislators to protests such as the 200-person demonstration that took place in Ukiah.²⁶

E. ECONOMIC EFFECTS

Regardless which official is asked, each has said marijuana cultivation has an impact on California's economy. Despite the numerous estimates of California's marijuana output, the secretive element of the industry makes its output impossible to quantify exactly.

The following table may give an indication of the marijuana crop's size:

YEAR	ESTIMATE	AREA COVERED	SOURCE
1978	\$900 million	3 counties (Mendocino, Humboldt, Trinity)	law enforcement (SAC. BEE, 5/4/79)
1980	100 million	Mendocino County	Ted Eriksen, Co. Agri. Comm.
1981	1.5 billion	California	SAC. BEE, 8/10/82
1981	8.2 billion	United States	SAC. BEE, 8/10/82

Because exact marijuana output is uncertain, its relationship to other agricultural products is not certain. However, if the last estimates were correct, marijuana would be the nation's fourth largest cash crop, ranking behind corn, soybeans and wheat. In California, marijuana would be the largest cash crop ranking above grapes at \$1.2 billion.²⁸

The marijuana industry has a positive economic impact on several California communities. Marijuana growers require various supplies--plastic pipe for irrigations systems, cultivation tools and fertilizers. All these purchases contribute to local economies. In some communities local businesses anticipate and provide for the marijuana cultivators' needs. In fact a news magazine has implied that a bank made an \$86,000 loan to a grower to buy materials for a 40-acre marijuana farm and pay it back in full on November 15, after the harvest.²⁹

Garberville, Humboldt County, offers a good example of what marijuana cultivation can contribute economically to a community. In the early 1970's, the lumber industry was moving out of the southern Humboldt County area near Garberville and local citizens expected their community to stagnate. But, in recent years, new stores, restaurants and redwood chalets have appeared in Garberville. Residents and business people attribute Garberville's growth to the marijuana industry.³⁰ (Garberville reportedly has one of the highest concentrations of marijuana fields in California. A Campaign Against Marijuana Planting raid

of the Garberville area in October, 1983 lends credence to that proposition. In one of the biggest raids of the year, law enforcement officers seized 840 plants weighing 21,610 pounds.)³¹

F. ERADICATION--THE NEW FOCUS OF LAW ENFORCEMENT

1. Past Eradication Efforts

Recent law enforcement efforts have been focused increasingly on eradicating domestic marijuana cultivation, especially here in California. During the middle and late 1970's, both federal, state and local law enforcement officials began to recognize the expansion of domestic marijuana cultivation and focused resources on the domestic cultivation problem. Local sheriffs in major marijuana-growing counties (eg. Humboldt, Mendocino, Butte, etc.) began investigating and destroying large marijuana fields. In 1978, then-Attorney General George Deukmejian conducted raids to discover and eradicate marijuana fields. Several federal agencies also became concerned and tried to attack the problem. The US Forest Service and the Bureau of Land Management discovered thousands of cultivation sites on public land and received hundreds of reports of threats or assaults from their employees and public land users.³² Congressmen raised concerns and, in 1979, the DEA began supporting local and state efforts to eradicate marijuana cultivation. California was one of two states to receive federal attention before 1981.

Before 1983, many law enforcement officials made independent efforts to eradicate cannabis fields. While both state and federal officials provided assistance and coordination, primary responsibility was carried by the county sheriffs. Their efforts met with differing levels of success:

VALUE OF MARIJUANA PLANTS CONFISCATED (1982)³³

Del Norte	\$ 1.8 million	Shasta	\$ 8 million
Humboldt	6.8 million	Siskiyou	2.8 million
Mendocino	8.3 million	Trinity	13.0 million

Statewide, law enforcement officials confiscated 47,841 plants, made 410 arrests, and confiscated 408 weapons.³⁴

2. Campaign Against Marijuana Planting (CAMP)

This year the Campaign Against Marijuana Planting (CAMP) program, coordinated by Attorney General John Van de Kamp, brought together the efforts of all the agencies involved in eradicating marijuana cultivation in 14 targeted Northern California counties. The CAMP program also unified the reporting procedures for marijuana plant seizures and arrests in its targeted area (see Appendix A). It used low-flying planes and the high-altitude U-2 plane to discover the marijuana fields and employed helicopters to raid the fields.

According to the program's figures, CAMP agents raided 524 sites and destroyed 64,579 plants worth \$130 million "on the street." The Attorney General estimates that between 10% and 95% of each county's crop was confiscated. In terms of arrests, CAMP agents had taken in 78 suspects by November 16. At that point, 50 more complaints were being prepared. In addition to the CAMP program, Glenn County authorities destroyed more than 60,000 plants worth approximately \$50 million.³⁵

3. Costs of Eradication Efforts

The total costs of eradication programs statewide is not presently known. The CAMP program had a known cost of \$1.6 million, of which more than 60% came from the federal government. The largest part of this cost (\$550,000) paid for the U-2 flights. However, in order to gain a complete view of statewide costs, local agency costs, including agencies inside and outside

CAMP's 14-county area, must be considered. Unfortunately, these figures are not available at this time.³⁶

4. Use of Paraquat and Other Sprays

In efforts to use the easiest methods to eradicate marijuana, federal officials have employed the defoliant Paraquat. Originally Paraquat was used on Mexican fields in the American sponsored eradication program. In 1979 federal health officials concluded that marijuana laced with Paraquat may seriously harm marijuana smokers and its use was discontinued.³⁷ However, in 1981, Congress lifted the ban on its use and the DEA has used it to destroy crops in Georgia. The Reagan administration has voiced its intention to use Paraquat in 40 other states, including California.³⁸ But, due to legal challenges brought by conservation groups, the DEA recently agreed to file environmental impact statements on any planned use of Paraquat on public lands. Because of uncertainties over its safety, Attorney General John Van de Kamp has prohibited its use on California crops.³⁹

Recent news articles have reported the use of a new chemical to destroy marijuana in the fields. Reportedly composed of chemicals used in animal repellants, red dye, rotten eggs and glue, the new spray has been commended by an Arkansas official as a highly-effective non-toxic destroyer of marijuana plants. The spray is not presently used in California, although its possible use is being explored by the Attorney General's office.⁴⁰

G. PROBLEMS OF LAW ENFORCEMENT

As new marijuana eradication programs have developed, obstacles to effective enforcement and personal dangers to those involved have appeared:

1) VIOLENCE. Law enforcement officials have expressed concern over dangers to the officers making the raids. The growers' use of lethal weapons is of particular concern.

2) IDENTIFICATION OF CULTIVATOR. The marijuana farmer is no longer only "the hippie from Berkeley who moves to the woods to grow a couple of plants"⁴¹ (words of Nevada County Sheriff's detective). Growers can have a wide range of ages, backgrounds and influence. Law enforcement officials can no longer dismiss otherwise upstanding citizens as being free of criminal conduct.

Also, marijuana stalks often are grown on isolated plots of public or private land, making it difficult either to catch the cultivator or associate the plants with a landowner. Even when the stalks appear on private land, they often are grown by trespassers or the landowner-cultivator is able to deny any knowledge of them because the plots are remotely isolated from his dwelling.

3) DESTROYING THE PLANTS. Marijuana plants can grow as high as 30 feet, making it difficult to remove, relocate, and destroy.

4) IDENTIFICATION OF AND ACCESS TO FIELDS. Few marijuana fields are reported to law enforcement officials since the fear of reprisals from the grower often scares away potential informants. Thus, law enforcement officers must often search for the fields themselves. Even when they find marijuana fields, they must obtain a search warrant before entering any private property. Moreover, the fields often are located in isolated, rugged terrain, thereby making them difficult to locate. Further, a field may have only one access road or trail which could, and usually is, filled with poison oak and wasp nests and grower-installed traps. Additionally, a field may contain only a few stalks in an effort to camouflage the cannabis among the other plants. Thus, law enforcement has resorted to using helicopters or planes to locate marijuana fields.

5) BUDGET RESTRICTIONS. Due to constraints on both state and local budgets, law enforcement officials lack the funds to achieve complete eradication. In an effort to alleviate the problem, Attorney General Van de Kamp visited Washington in early November, 1983, to request additional support for the CAMP program.

6) RELUCTANCE TO ADEQUATELY SENTENCE AND PROSECUTE GROWERS. Some, including former Mendocino County District Attorney Joe Allen, claim state prison overcrowding discourages judges from sentencing growers to sufficiently long prison terms. (The law prescribes a maximum 3-year prison term for marijuana cultivation, a felony.) Others suggest county district attorneys do not place a high priority on prosecuting marijuana cultivators.

7) LEGAL CHALLENGES. Several organizations, including the National Organization for the Reform of Marijuana Laws (NORML) and the Civil Liberties Monitoring Projects, have challenged CAMP's methods as an invasion of privacy and against search and seizure protections. Law enforcement officials claim such challenges sap their resources and allow suspects to go free when the evidence is thrown out.

N O T E S

1. Unless otherwise noted, information in sections IA-IF (not including IF1 or IF2) was gleaned from the historical section in: National Institute of Law Enforcement & Criminal Justice, MARIJUANA: A STUDY OF STATE POLICIES & PENALTIES, National Governor's Conference, 1977.
2. Richard J. Bonnie, MARIJUANA AND CRIMINAL SANCTIONS, The Michie Company, Charlottesville, Virginia, 1980, p. 1.
3. National Institute of Law Enforcement & Criminal Justice, p 86.
4. Congress directed the Department of Health, Education and Welfare's National Institute of Mental Health to report annually on the health consequences of marijuana use. Congress also established the bipartisan National Commission on Marijuana and Drug Abuse, which made the recommendations mentioned.
5. Bureau of Criminal Statistics, Department of Justice.
6. Office of the Secretary of State.
7. Health & Welfare Agency and State Office of Narcotics and Drug Abuse (California), A FIRST REPORT OF THE IMPACT OF CALIFORNIA'S NEW MARIJUANA LAW (SB 95), January 1977, Executive Summary.
8. Ronald Reagan, October 2, 1982, as quoted in statement by Thomas G. Byrne to Select Committee on Narcotics Abuse and Control, US House of Representatives, Chief, Cannabis Investigations Section, DEA, 7/23/83.
9. The Governor was referring to SB 450 (Presley), which would make the possession or transfer of any amount of marijuana punishable by a 6-month county jail term and/or a \$500 fine. Quote seen in SACRAMENTO BEE, 3/1/83.
10. John Van de Kamp, statement, 11/2/83.
11. Mervyn Field, THE CALIFORNIA POLL, 9/1/83.
12. NEWSWEEK/Gallup Poll, as seen in NEWSWEEK, 10/25/82.
13. WASHINGTON POST, 7/11/83.
14. SACRAMENTO BEE, 7/19/81.
15. General Accounting Office(US), ILLEGAL AND UNAUTHORIZED ACTIVITIES ON PUBLIC LANDS-A PROBLEM WITH SERIOUS IMPLICATIONS, 3/10/82.

16. William Derr, special agent for US Forest Service, statement to Select Comm. on Narcotics Abuse and Control, 6/14/82.
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21. William Derr.
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33. SACRAMENTO BEE, 4/23/83.
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35. Attorney General's Office, Press Release, 11/2/83.
36. CAMP statistics.
37. NEW YORK TIMES, 6/22/79.
38. NEW YORK TIMES, 8/16/83.
39. SACRAMENTO BEE, 8/18/83.
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41. SACRAMENTO BEE, 5/3/83.

CREDITS

This paper was prepared by Gene Wong, counsel to the Senate Committee on Judiciary; Kate Karpilow, aide to Senator Keene; Alf Brandt, Senate Fellow; and Catalina Lira, student intern.

The following points were made by the witnesses at the Senate Committee on Judiciary hearing on the effects of the CAMP program and marijuana cultivation on November 29, 1983, in Eureka.

1) Expansion of CAMP Program. At the hearing, Attorney General Van De Kamp noted the success of the CAMP program and proposed expanding it in three ways:

A) starting earlier in the season, before the plants become "the large, rather unwieldy plants that require far more time and effort to destroy;"

B) operating in more counties if the resources are available; and

C) improving the statistics on existing marijuana fields.

2) Strain on County Criminal Justice Resources. Judge John Buffington, Presiding Judge of the Humboldt County Superior Court, and Humboldt County District Attorney Terry Farmer stated that, as CAMP greatly increases the number of marijuana cultivation arrests, the local criminal justice system faces a challenge to process the suspects. The judge explained that judicial systems in small counties, like Humboldt, can be overwhelmed by the increase in arrests and the complexity of some of those cases because of search and seizure issues or large-scale cultivators.

These arrests and complicated cases demand more prosecutors, defense lawyers, investigators, probation officers and staff for the courts and jails. Judge Buffington suggested any increase in state and federal enforcement resources should include increases in support for the criminal justice system.

3) Varying Levels of Cultivation. Humboldt County District Attorney Terry Farmer also testified that the size of each cultivator's marijuana field ranges from one to one thousand, and suggested equal punishment of all cultivators may not be fair. He proposed that California law be changed in the following ways:

A) make marijuana cultivation punishable as a misdemeanor or felony instead of a straight felony. Punishment alternatives would include: a) confinement in the county jail for not more than one year; b) imprisonment in the State prison for 16 months, 2 or 3 years; c) a fine not to exceed \$1000; or by both a fine and imprisonment.

B) either eliminate the marijuana cultivation statute from the diversion statute or define marijuana cultivation "for personal use" in finite terms instead of depending on the court's determination.

4) Doubts About Contribution to Local Economies. During the hearing, Attorney General Van de Kamp and other witnesses suggested that marijuana cultivators did not contribute significantly to local economies, as the paper had suggested. The Attorney General said that the growers generally buy supplies in the San Francisco area and not from local stores, and that the cultivators generally do not establish ties to the local community in which they cultivate their crop. After the harvest season, they leave the area to spend their earnings in other communities, returning only when planting time arrives. Attorney General Van De Kamp stated that, according to the Humboldt County Sheriff's Department, 60-70% of the money earned from marijuana cultivation goes out of the county.

5) Workers' Compensation for "Volunteer" Deputies. Mendocino County Sheriff Tim Shea questioned whether deputies who volunteer to work in the CAMP program are covered by workers compensation insurance. According to Randy Rossi, the current CAMP program coordinator, the state workers compensation plan covers both volunteer reserve officers and those officers assigned to the program by local law enforcement agencies.



A P P E N D I C E S

APPENDIX A

Agencies Involved in CAMP Program

Federal

Drug Enforcement Administration (DEA)--provides funding helicopters, agents and training in aerial observance, investigation and prosecution.

US Forest Service.

Bureau of Land Management.

NASA--provides U-2 observance flights under contract.

US Marshal's Office.

Bureau of Alcohol, Tobacco and Firearms.

US Customs Service

State

Attorney General's Office, Bureau of Narcotics Enforcement.

Office of Emergency Services--represents the Governor.

Department of Forestry

Highway Patrol

Local

Sheriff Departments of:

Butte

Del Norte

Humboldt

Lake

Monterey

Mendocino

San Mateo

Santa Clara

Santa Cruz

Sierra

Siskiyou

Sonoma

Trinity

Yuba

APPENDIX B

Summary of State and Federal Laws

A. California

Except with respect to marijuana possession on school grounds by an adult or minor, California laws pertaining to marijuana possession have remained unchanged since the passage of SB 95. Generally, possession, transportation, or furnishing of up to an ounce is a misdemeanor punishable by a maximum \$100 fine. However, marijuana possession of one ounce or less on grade school grounds during school hours is punishable by a higher penalty. Possession by an adult is punishable by a \$500 fine, by 10 days in the county jail, or by both. Possession by a minor is punishable by a \$250 fine for a first offense, and by a \$500 fine and/or 10 days commitment to a secure juvenile facility for a second offense.

Possession, transportation, or furnishing of more than one ounce is a misdemeanor punishable by a 6-month county jail term, or by a \$500 fine, or by both. Beginning January 1, 1984, the new weight threshold will be 28.5 grams instead of one ounce. Transportation, distribution or sale of more than one ounce is punishable as a felony by 2, 3 or 4 years in state prison. Possession for sale or cultivation also is a felony and is punishable by 16 months, 2 or 3 years in state prison. However, cultivation for personal use is a divertable offense.

B. Other States

Eleven states have passed laws decriminalizing possession of marijuana for personal use. All have eliminated arrest, substituting a traffic-ticket type of citation; all eliminate imprisonment as a punishment, substituting a small fine; and all eliminate permanent criminal records. All but two impose maximum fines of up to \$100 (\$200 in Maine, \$250 in Mississippi). These states are:

Alaska	Oregon	Nebraska
California	Maine	New York
Colorado	Minnesota	North Carolina
Ohio	Mississippi	

Another state, South Dakota, classifies marijuana possession as a misdemeanor, but sets a penalty of a \$20 fine only for possession of up to one ounce.

All other states provide for some period of incarceration and/or a fine for possession of small amounts of marijuana (usually 25 to 40 grams). Three, New Mexico, South Carolina, and Washington, provide for imprisonment of less than 90 days, and/or fines of up to \$100. Hawaii (up to 30 days), New Jersey and

Texas (up to 6 months) provide for imprisonment, with optional fines of up to \$500 (\$1000 in Texas). Illinois has a similar penalty for up to 10 grams, but follows the more general pattern of up to one year and/or \$1000 (\$5000 in Indiana) for possession of amounts of up to one ounce. Those states which fall in this general category are:

Connecticut	Indiana	New Mexico
Florida	Michigan	Pennsylvania
Georgia	Missouri	South Carolina
Hawaii	Montana	South Dakota
Idaho	New Hampshire	Texas (2 ounces)
Illinois	New Jersey	Washington

Some states impose penalties for simple possession of any amount of marijuana whatsoever. Of these Oklahoma provides for up to one year with no fine, while Delaware provides for up to two years and/or \$500. Those which impose maximum penalties of under one year and/or fines of less than \$500 are:

Arkansas	Massachusetts	Vermont
Kentucky	Rhode Island	Wisconsin
Louisiana	Utah	

Three states, Iowa, West Virginia and Wyoming, impose sentences of up to six months and/or \$1000.

Of the remaining states, most have laws providing for up to one year in prison, and/or fines of up to \$1000 for simple possession of any amount of marijuana. The are:

Alabama	North Dakota	The District
Arizona	Tennessee	of Columbia
Maryland	Virginia.	

The law in Kansas is essentially the same but provides for an optional fine of \$2,500. Nevada provides for the most severe penalty of all for persons over the age of 21 convicted of possessing any amount of marijuana: one to six years; and/or a fine of \$2000.

C. Federal Laws

The Comprehensive Drug Abuse Prevention and Control Act of 1970 remains the major federal law concerning marijuana. Under federal law, simple possession, including distribution of a small amount for no remuneration, is punishable by a maximum \$5000 fine and/or up to 1 year in prison. A first offender could receive a conditional discharge and have the record expunged following successful completion of probation. A second offense is punishable by a \$10,000 fine and/or up to 2 years in prison, and is not dischargable.

Unlawful manufacture, distribution, or possession with intent to distribute is punishable by a maximum 5 years imprisonment and/or a maximum \$15,000 fine for a first offense. The penalty

is doubled for a second offense. However, if the quantity exceeds 1000 pounds, the penalty is 15 years and, at the court's discretion, a fine of \$125,000. For a second offense, the penalty is twice that.

APPENDIX C

SUMMARY OF LEGISLATION SINCE 1970
RELATING TO MARIJUANA PENALTIES

1970

SB 353 (Deukmejian) - Held in Senate Judiciary

This bill would have made a first conviction of marijuana possession punishable by 1 to 10 years state imprisonment, and would have prohibited parole or probation until the offender had served at least 1 year in prison.

1971

AB 626 (Sieroty) - Held in Assembly Criminal Justice

This bill would have established a straight misdemeanor penalty of 6 months in the county jail and/or a \$500 fine for any unlawful possession of marijuana. The law at that time had prescribed punishment of imprisonment in the county jail for up to one year or in the state prison for between 1 and 10 years upon a first conviction for marijuana possession. A second offense was punishable by two to 20 years in state prison.

1972

SB 902 (Gregorio) - Failed passage in Senate

This bill would have made marijuana possession punishable on a first conviction by a \$50-\$300 fine.

It also would have punished a second possession offense by a year in county jail or by 1 to 10 years in state prison.

AB 413 (Sieroty) - Held in Assembly Criminal Justice

This bill would have made possession of 5 oz. or less of marijuana a straight misdemeanor punishable by 6 months in jail and/or a \$500 fine.

AB 671 (Waxman) - Held in Assembly Criminal Justice

This bill would have repealed the law prohibiting possession of marijuana.

AB 1778 (Sieroty) - Vetoed by Governor

This bill was similar to AB 626 (Sieroty) of the 1971 session, except that it would have prescribed punishment of one year in the county jail or a \$500 fine, or both, for a second or subsequent possession offense.

1973-74

SB 2157 (Moscone) - Held in Senate Judiciary

This bill would have made it an infraction punishable by a \$100 maximum fine to possess or furnish without consideration up to 3 oz. of marijuana. It also would have reduced the penalty for being under the influence of or using marijuana from a misdemeanor to an infraction.

AB 376 (Waxman) - Held in Assembly Criminal Justice

This bill would have permitted any adult to plant, cultivate, harvest, possess, or transport marijuana for personal use. AB 376 was identical to Proposition 19 (an initiative to legalize marijuana for personal use), which was defeated in the 1972 general election.

AB 449 (Sieroty) - Held in Senate Judiciary

This bill was identical to AB 1778 (Sieroty) of 1972.

AB 725 (Sieroty) - Vetoed by Governor

This bill would have deleted the then-existing mandatory 90-day jail term for using or being under the influence of marijuana.

AB 1452 (Waxman) - Amended out in Assembly Criminal Justice

This bill would have allowed possession or use of marijuana within a private dwelling when the marijuana possessed was for personal use. It also would have permitted the public possession of marijuana for personal use.

AB 2669 (Gonzales) - Held in Senate Judiciary

AB 2669 was similar to AB 449 (Sieroty) of 1973, except that AB 2669 would have prescribed a punishment of 1 year in the county jail, or a \$1,000 fine, or both, for a second possession offense.

AB 2758 (Sieroty) - Vetoed by Governor

This bill would have made possession in a residence of 4 oz. or less, or elsewhere of 2 oz. or less, of marijuana punishable on a first offense by imprisonment in the county jail for 6 months, or by a \$500 fine, or by both.

1975-76

SB 95 (Moscone) - Chapter 248 of 1975

This bill reduced the penalty for simple possession, transporting, or furnishing of up to 1 oz. of marijuana, other than concentrated cannabis, to a misdemeanor punishable by a maximum fine of \$100, and generally required an arresting officer to issue a field citation for a violation of these offenses, except as specified. The bill also reduced the penalty for possession of more than 1 oz. of marijuana from a misdemeanor/felony wobbler to a straight misdemeanor punishable by 6 months in the county jail and/or a \$500 fine. In addition, it repealed laws making it a criminal offense to use or be under the influence of marijuana, or to possess any paraphernalia used for smoking marijuana.

AB 868 (Kapiloff) - Held in Assembly Criminal Justice

This bill would have required that a person arrested for possessing up to 1 oz. of marijuana be issued a citation only, and that the arrest be deemed a detention under specified circumstances.

AB 1274 (Sieroty) - Chapter 1267 of 1975

This bill authorized diversion of offenses involving the unlawful cultivation of marijuana for personal use.

AB 2891 (Nestande) - Held in Assembly Criminal Justice

This bill would have redefined the definition of marijuana in order to eliminate the "cannabis defense" used (unsuccessfully) by defense attorneys.

1977-78

SB 1424 (Presley) - Held in Senate Judiciary

This bill would have prescribed a penalty of 6 months in the county jail, or a fine up to \$500, or both, for possession of any amount of marijuana in, or on the grounds of, a public school. It also would have authorized the commitment of a juvenile offender to a secure facility for up to 10 days.

SB 1568 (D. Carpenter) - Held in Senate Judiciary

This bill would have redefined "concentrated cannabis" to include marijuana "with a tetrahydrocannabinol concentration of 8 percent or more of dry weight." The purpose was to increase the penalties for "Thai stick" users.

AB 367 (W. Brown) - Held in Assembly Criminal Justice

This bill would have made cultivation of six or less plants (or 1 oz. in the aggregate) of marijuana for personal use punishable as a citable misdemeanor. The offense would have been punishable by a \$100 maximum fine.

AB 3239 (Chimbole) - Held in Assembly Criminal Justice

This bill would have amended the definition of "concentrated cannabis" to include "Thai sticks."

1979-80

SB 310 (Presley) - Held in Assembly Criminal Justice

This bill was identical to SB 1424 (Presley) of 1977-78.

AB 477 (Wray) - Held in Assembly Criminal Justice

This bill would have made it a misdemeanor to sell or offer for sale any device, contrivance, or paraphernalia for smoking or otherwise using marijuana.

1981-82

SB 341 (Russell) - Chapter 341 of 1982

This bill made it a misdemeanor for any person to manufacture or furnish drug paraphernalia, as specified.

SB 1351 (Presley) - Chapter 1287 of 1982

This bill increased the penalty for possession of up to 1 oz. of marijuana by a minor on grade school grounds during school hours to a \$250 fine for a first offense, and to a \$500 fine and/or 10 days confinement for a second offense.

SB 2014 (A. Garcia) - Held in Senate Finance

This bill would have made possession of up to 1 oz. of marijuana on any grade school and certain adult schools punishable by 6 months imprisonment and/or a \$500 fine.

AB 1816 (Sebastiani) - Held in Assembly Criminal Justice

This bill would have increased the penalties for transportation or sale of more than 1 kilogram of marijuana, and would have required mandatory imprisonment for any offense involving transport or sale of more than 1 oz. of marijuana. The bill also would have made punishable by a 5 year prison term and/or a \$10,000 fine the sale or distribution of marijuana at, in, or within 200 yards of any school.

1983

SB 94 (Presley) - Chapter 434

This bill makes possession of up to 1 oz. of marijuana by any adult on grade school grounds during school hours punishable as a misdemeanor by a possible \$500 fine and/or 10 days in the county jail. It also makes technical amendments to provisions added by SB 1351 (Presley) of 1982, Chapter 1287.

SB 450 (Presley) - Pending action on Senate floor

This bill would increase the penalty for personal possession or furnishing of up to an ounce of marijuana to 6 months in the county jail and/or a \$500 fine.

SB 1121 (Keene) - Chapter 931

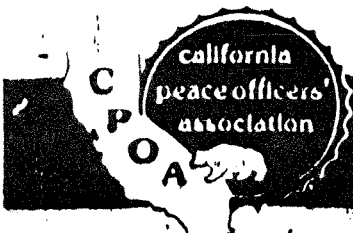
This bill authorizes the recovery of law enforcement's expenses of seizing, eradicating, or destroying any unlawfully-produced controlled substance, including marijuana, from the manufacturer or cultivator, or from a person who aided and abetted or knowingly profited from the unlawful manufacture or cultivation of the controlled substance. The recovery could be made as part of a criminal action or in a separate civil action.

AB 373 (Bergeson) - Chapter 1005

This bill makes possession of up to 1 ounce of marijuana while driving a motor vehicle a Vehicle Code misdemeanor punishable by a \$100 maximum fine. The offense could be used as a violation point count by the Department of Motor Vehicles for purposes of suspending or revoking a driver's license.

AB 1242 (Davis) - Chapter 223

This bill changes all references in the statutes relating to controlled substance offenses from ounces to grams. It substitutes 14.25 grams for one-half ounce and 28.5 grams for one ounce or one avoirdupois ounce.



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Sacramento

Executive Director
LOUIZ SABA

December 9, 1983

Senator Barry Keene
California State Senate
State Capitol
Sacramento, CA 95814

ATTN: Gene Wong, Consultant

Dear Senator Keene:

Attached is the information requested by your consultant regarding the amount of money budgeted by sheriff's departments for the enforcement of marijuana laws in this State. Although not all of the counties are included, the information enclosed provides a good indication of what is being spent for marijuana eradication. Also enclosed are the letters from the different counties documenting these figures.

We apologize for the delay of information as it was impossible to obtain by the deadline date. If you have any further questions regarding this, please do not hesitate to call.

Sincerely,
Alva S. Cooper
Alva S. Cooper
Legislative Advocate

pk
Enclosures

COUNTY

AMOUNT BUDGETED FOR MARIJUANA ENFORCEMENT LAWS

Alameda County	\$81,000 yearly approximately
Colusa County	\$7,500 (1983-84) approximately (letter attached)
Contra Costa County	\$35,816.28 approximately annual expenditure (letter attached)
El Dorado County	\$6,000 marijuana eradication and 25% of investigative fund
Imperial County	\$100,000 directed towards narcotics enforcement (letter attached)
Los Angeles County	5% of all department arrests are for marijuana - 5% of Departmental Budget is \$16.9 million.
Madera County	\$138,000 total drug enforcement, 13-14% used, approximately \$19,000 of their own money, and \$1,000 of States'.
Mariposa County	\$20,000 budgeted for marijuana (letter attached)
Nevada County	\$6,900 (1983-84) approximately (letter attached)
Orange County	\$9,800 (estimated) (letter attached)
Plumas County	\$16,644.20
San Bernardino County	\$75,000 (letter attached)
San Francisco County	Has no money allocated for this purpose (letter attached)
San Joaquin County	No amount given (letter attached)
San Mateo County	\$10,000 per year for cultivation purposes (letter attached)
Santa Barbara County	\$30,000 + annually (letter attached)
Santa Cruz County	\$6,330.52 in 1983 (letter attached)
Shasta County	\$35,000 (letter attached)
Stanislaus County	\$537,000 for all drug enforcement -- 10% for cultivation 20% for marijuana busts
Sutter County	\$20,000 approximately (letter attached)
Tehama County	\$10,000
Trinity County	\$71,804.00 in 1983 (letter attached)
Tuolumne County	\$48,200 for marijuana enforcement and all drug related cases (letter attached)
Yolo County	\$4,000 - \$7,000 per year (letter attached)